

7 COMMENTS AND RESPONSE

Involvement and participation by federal and state agencies, local public officials, and the general public was solicited for the development and direction of this project. This section contains agency and public comments along with the FHWA and AHTD response to issues and concerns contained within these comments.

All letters of comment received on the DEIS and SDEIS were reviewed by the AHTD staff, and their contents were evaluated. Any suggestions for correcting text or data and request for further discussion of a subject have been given consideration. Those editorial comments and suggestions that were practicable, reasonable, and improved the quality of the EIS were incorporated in the SDEIS or FEIS.

Constructive criticism presenting a major environmental point of view or one's opposition to the Preferred Line is treated by either making revisions in the appropriate part of the FEIS or giving reasons why AHTD did not deem a change appropriate.

7.1 DEIS AGENCY COMMENTS

The USACE and USFWS, as cooperating agencies, reviewed and commented on a draft copy of the DEIS. The comments received as a result of that review are included in Appendix O and within Section 7.1.1 of this document.

7.1.1 Response to Agency Comments on the DEIS

A copy of the Agency comment letter on the DEIS is followed by responses to the comments contained in the letter. Each letter is numbered to correspond with the appropriate comment. Where no response is warranted, a copy of the comment letter is included for informational purposes.

Dept. of the Army, Little Rock District, Corps of Engineers, received August 30, 2001



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

AUG 30 2001

Planning, Environmental and Regulatory Division
Regulatory Branch

FILE No. 13685-3

Mr. Marion Butler
Division Head, Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, Arkansas 72203-2261

Dear Mr. Butler:

Please reference the Draft Environmental Impact Statement (EIS) for the Springdale Northern Bypass, Docket No. FHWA-AR-EIS-01-01-d.

The Draft EIS outlines a study on four (4) different alternative alignments for the proposed highway project. The study indicates that no wetlands have been identified along any of the alignments. However, the study did indicate that each alignment would cross numerous streams that are considered to be other waters of the United States (waters).

The discharge of fill material associated with constructing a highway crossing of these waters requires authorization pursuant to Section 404 of the Clean Water Act. A preliminary inspection revealed that the discharges may be authorized by Department of the Army Nationwide Permits No. 14, provided that all its conditions are met. When a preferred alignment is selected and detailed plans are finalized for all its crossings, please submit a copy to our Regulatory Branch for a final permit determination.

We appreciate your cooperation in the Regulatory Program. The evaluation of your project will be given high priority and all procedures will be expedited to the fullest extent possible. If you have any questions, please contact the Project Manager for this action, Mr. Larry Harrison of the Regulatory Branch, at (501) 324-5296 and refer to Permit No. 13685-3.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry L. Harris".

Jerry L. Harris, P.E.
Chief, Regulatory Branch

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Response: Comment noted

U.S. Fish and Wildlife Service, Received August 10, 2001



INDIRECTLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1500 Museum Road, Suite 105
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

August 10, 2001

Mr. Marion Butler
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Dear Mr. Butler:

The U.S. Fish and Wildlife Service (Service) has received your letter and Draft Environmental Impact Statement for the Springdale Northern Bypass (Hwy 412), AHITD Job Number 040266, located in Benton and Washington Counties in Arkansas. Therefore, we submit the following comments in accordance with your request and Section 7 of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.).

The proposed project consists of construction of a four-lane bypass around the existing U.S. Hwy 412 through Springdale, Arkansas. All alternative alignments begin at an interchange with existing U.S. Hwy 412 west of Tontitown where the highway presently changes from four to five lanes and will end with an interchange on existing U. S. Hwy 412 between the Springdale eastern city limits and Beaver Lake. The length of the proposed project is between 14.6 and 18.9 miles (23.5 and 30.4 kilometers) depending on the selected alignment.

The Service recommends that the statement should discuss the potential impacts to migratory birds and commitments to minimizing harm to species protected by the Migratory Bird Treaty Act (16 U.S.C. 703-712). Numerous species of migratory birds protected under the Act are located within this area and may be nesting on bridges, in trees, and/or within structures. Special consideration should be given to the times and dates of construction, the surveying for nesting sites, and to consulting with the Service for guidance.

Thank-you for the opportunity to review the draft EIS and provide comments. If you have any questions or additional comments, please contact Lindsey Lewis in our office at (501) 513-4489.

Sincerely,

Margaret Harney

Response: This comment was addressed in the Environmental Consequences, Section 4.3.7.2 of the SDEIS.

United States Department of the Interior, received 4/3/02



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240



ER-02/143

APR 3 - 2002

Mr. Randal J. Looney
Environmental Specialist
Federal Highway Administration
700 West Capitol Avenue, Room 3130
Little Rock, Arkansas 72201-3298

RECEIVED
AHTD.
APR 08 2002
ENVIRONMENTAL
DIVISION

Dear Mr. Looney:

As requested in a letter from the Arkansas State Highway and Transportation Department (AHTD), dated February 9, 2002, the U.S. Department of the Interior (Department) has reviewed the draft Environmental Impact Statement (EIS) for the Springdale Northern Bypass (US-412), Benton and Washington Counties, Arkansas. The Department offers the following comments and recommendations for your consideration.

General Comments

- #1 This draft EIS describes plans to construct a 14.6- to 18.9-mile, four-lane, controlled-access highway that would be located north of Springdale, Arkansas. The draft EIS is ambiguous about many aspects of the proposed project, the potential for environmental impacts, and possible mitigation strategies. Because there is so much missing information on environmental issues, the Department is not able to provide a thorough technical review of potential impacts associated with the proposed project. Some of the missing data are discussed below as specific comments.

Section 4(f) Comments

- #2 This Draft EIS does not present enough information to make a determination whether this project will result in impacts to Section 4(f) properties. Therefore, the Department cannot evaluate whether the Federal Highway Administration (FHWA) has demonstrated that there are no feasible and prudent alternatives to the preferred alternative, or whether all possible planning needed to minimize harm to resources has been employed.

There is a considerable potential for historic resources to be impacted, as demonstrated by what little available pre-existing information is presented in the Affected Environment chapter. However, it is the proposal of the AHTD to conduct the necessary inventories for historic properties only after the selection of the final alignment. This means that the selection of the final alignment will be done without benefit of that inventory data. This proposal has the potential for delays if properties are identified during the inventories that are eligible for consideration under Section 4(f). We note that the statement found at the bottom of page 4-63 concerning the treatment of architectural resources is technically correct. This section appears to make a distinction, however, between what properties would be considered only under Section 106 of the National Historic Preservation Act and what is considered a Section 4(f) property. We disagree with this distinction. FHWA regulation 23 CFR 771.135(e) says, in part: "The Section 4(f) requirements apply ... to sites on or eligible for the National Register...." This means that should any historic property discovered during the inventory of the preferred alternative be determined eligible for

the National Register, that property becomes a Section 4(f) property. Section 4(f) properties are not restricted to architectural resources but can be prehistoric archeological sites, historic standing structures or even properties of value to local communities or Indian tribes (traditional cultural properties). Archeological sites would only be exempt if, through consultation with the State Historic Preservation Officer, and the Advisory Council on Historic Preservation if needed, the sites are important only for the data that they contain and the data can be recovered through excavations (see also 23 CFR 771.135(g)).

It is important to note that the consideration of a historic property under Section 4(f) is not the same as under Section 106 of the National Historic Preservation Act. In Section 106 consultation, the agency is required only to consider the impacts of its action on eligible properties. However, under Section 4(f), the FHWA may consider taking a Section 4(f) property only if there is no other reasonable and prudent alternative; and that all measures to minimize harm have been applied. We note that the regulations also suggest that these alternatives and measures to minimize harm should be presented in the draft EIS.

Specific Comments

Page S-5, Summary Of Beneficial and Adverse Impacts

According to the draft EIS, the proposed highway may include construction of an interchange in a floodplain, traverse 23 to 30 streams, impact 1 to 4 spring complexes, and convert 90 to 190 acres of woodland to highway right-of-way. However, the summary of beneficial and adverse impacts does not list any potential adverse impacts associated with construction of this highway. The Department suggests that the summary include potential adverse impacts along with the beneficial impacts.

Page 3-1, Current Land Use Designations as Zoned by Cities

In this summary of land use along the project corridor, also as shown in figure 3-1, nearly 50 percent of the land-use area along the corridor is unspecified (shown in white). The Department would expect that this land-use summary figure include land use for the entire project corridor, so that potential impact on land use can be adequately evaluated. This would include any lands that are set aside for park, recreation, or wildlife and waterfowl purposes.

Page 3-31, Wetlands

The draft EIS states "Areas within the corridors with potential for wetlands were located by using hydric soils maps, U.S.G.S. topographic maps, aerial photography and limited field reconnaissance." Further down on the same page, the draft EIS states:

"The potential for wetlands of any substantial size to occur in the proposed alignments is unlikely. A few small isolated wetlands may occur. The small isolated wetlands are likely to be associated with spring runs or wet seeps. The numerous springs and seeps in the project area often provide sufficient flow to saturate the soil and alter the vegetation present in adjacent depressions and hillside slopes. On some occasions this condition can create a wetland or special aquatic site where one would not normally occur. These types of waterlands are difficult to find because they are usually small and may only exist during the wet season."

Because the project area contains numerous seeps, springs, and spring complexes, which likely support wetlands that are important to the hydrology and ecology of the area, the Department would expect springs, seeps, and wetlands would be mapped in detail and shown on an appropriate map figure. Much of this data is not present.

Page 3-35, Drinking Water Supplies

The draft EIS states “Groundwater is an important source of water for many of the study area’s rural residences.” However, the document does not present the number or location of wells that may be affected by the proposed highway. We suggest that the number and location of domestic wells be determined and presented in the draft EIS. We further believe that the draft EIS should show which wells would be directly impacted and those that may be indirectly impacted. The Department believes that the draft EIS should also present mitigation strategies for the affected wells.

Page 4-26, Soils

The draft EIS does not indicate how soils, many of which are located on steep slopes, would be impacted by proposed project construction, operation, and maintenance. The Department believes that the draft EIS should describe potential project-related impacts on soils, impacts of project-related soil erosion on surface-water quality, and possible mitigation strategies to minimize soil erosion and its adverse effects on water quality.

Page 4-28, Floodways and Floodplains

The draft EIS states “The proposed I-540 interchange for Lines 1, 2, and 4 would involve the Spring Creek floodplain. This interchange contributes a substantial portion of the floodplain impacts for these three alignments.” The draft EIS does not provide further details on the extent of impacts or possible mitigation measures. Because construction of an interchange in a floodplain would substantially alter the hydrology and ecology of the river system, the Department suggests that the draft EIS include a floodflow hydraulic analysis for evaluating the impacts of the proposed interchange on the floodplain. The analysis is critical for assessing any construction environmental impacts on the floodplain, including the effects of artificial fill on reducing the flood carrying capacity of the stream, increasing flood heights of streams, and increasing flood hazards in areas beyond the encroachment itself. The analysis should be done and made available for review before the final environmental impact statement is prepared and released to the general public.

Pages 4-31 to 4-33, Figure 4-2A and 4-2B Streams and Springs in the Area

The proposed project alternatives are presented on a topographic base that is at a scale of about 1:50,000. Neither the map nor text indicates the type of structures to be used at each proposed crossing. The Department suggests that the draft EIS include an evaluation of proposed project streams and river crossings on a topographic base map that is at a spatial scale that facilitates analysis of proposed stream and river crossings. The Department also believes that the draft EIS should include a description of the types of structures (culvert, bridge) to be used at each crossing. For culvert crossings, the draft EIS should include a discussion of how the culvert size was determined so that adverse environmental impacts are reasonably minimized.

Page 4-58 and 4-59, Old Roads and Historic Trails

Mention is made in this section of potential impacts to the Trail of Tears National Historic Trail, though the impacts discussed appear to be limited to concerns about archeological remains along the trail corridor. The section also mentions that consultation with the National Park Service was initiated. That consultation so far has consisted of a letter sent in June of 2000, but there is no indication that any reply was received. The Department requests that the FHWA contact the Long Distance Trails Group Office, Post Office Box 728, Santa Fe, NM 87504-0728 with more specific information on the preferred alternative and design information.

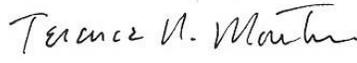
Summary Comments

Much of the information needed for an adequate review of a draft EIS is not present in this document. We have presented several specific shortcomings but in general, there is considerable information on specific resources and specific impacts missing in the EIS. We have also pointed out the lack of information on Section 4(f) properties. We have requested additional information, in the form of maps, drawings and additional information for the project, to ensure the project has done the necessary planning to minimize significant impacts.

The Department has a continuing interest in working with the FHWA and the AHTD to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to soils, geology, and water resources, please contact James F. Devine, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia, 20192. For matters related to Section 4(f), please contact the Regional Environmental Coordinator, National Park Service, 1709 Jackson St., Omaha, NE 68102.

We appreciate the opportunity to provide these comments.

Sincerely,


for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

Mr. Marion Butler, Division Head
Environmental Division
Arkansas State Highway and Transportation Department
Post Office Box 2261
Little Rock, Arkansas 72203-2261

Superintendent
Long Distance Trails Group Office-Santa Fe
Post Office Box 728
Santa Fe, New Mexico 87504-0728

General Comment #1: Incomplete information concerns

Response: A thorough review was conducted and comments voiced by the USDOJ were addressed in the SDEIS and FEIS as discussed in the following comments/responses.

General Comment #2: Section 4(f)

Response: A number of steps have been taken to address comments regarding the identification of potential Section 4(f) properties. Since preparation of the DEIS, all standing structures identified during the study have been evaluated by qualified architectural historians at the Arkansas Historic Preservation Program for eligibility to the National Register of Historic Places (see SHPO coordination in Appendix B). Technically all of these would qualify as potential Section 4(f) properties. Also, the potential eligibility of all known archeological sites was reviewed (see FEIS sections 4.3.12.5.2 and 4.3.12.6.). Because a phased approach (see section 4.3.12.6.1 and 36CFR part 800.4 (b)(2) for the identification and evaluation of cultural resources is being taken, the eligibility of all archeological sites will not be known until a final survey can be conducted. Also refer to FHWA's August 9, 2004 response letter regarding the SDEIS in FEIS Section 7.2.1 of the Comments and Response section.

Specific Comment #3: Page S-5, Summary of Beneficial and Adverse Impacts

Response: The summary in the DEIS provides a listing of the beneficial impacts and provides Table S-1, which contains a summary of adverse impacts for each line.

Specific Comment #4: Page 3-1, Current Land Use Designations as Zoned by Cities

Response: The SDEIS clarifies that Figure 3-1 is land use as zoned by the cities. Unspecified areas are not zoned by any of the cities or counties. As discussed in Section 4.3.12 of the DEIS, SDEIS, and FEIS, none of lands impacted have been set aside for park, recreation, or wildlife purposes.

Specific Comment #5: Page 3-31, Wetlands

Response: Comments were addressed in the SDEIS and FEIS in the Affected Environment Section 3.3.4 and Environmental Consequences Section 4.3.3. by adding/modifying text and by adding Wetlands Location Figure 3-14.

Specific Comment #6: Page 3-35, Drinking Water Supplies

Response: Because of the difficulty that would be involved in assessing the recharge areas for surficial individual wells, groundwater systems, and springs, no assessment of impacts on these systems was performed. If any permanent impacts to private drinking water sources occur as a result of this project, the AHTD will mitigate these impacts by providing an alternative water source, either by drilling a new well or connecting the persons to a community or rural water system.

Specific Comment #7: Page 4-26, Soils

Response: Issues concerning soil erosion impacts on surface water quality were addressed in Sections 4.3.4 of the DEIS, SDEIS, and FEIS. Commitments to minimize soil erosion impacts to surface waters were also included in Sections 4.3.4 of the SDEIS and FEIS.

Specific Comment #8: Page 4-28, Floodways and Floodplains

Response: The Floodways and Floodplains Section, 4.3.2 in the FEIS, was expanded to include some of the requested information. Information necessary to conduct a floodflow hydraulic analysis will not be available until the design stage of the project.

Specific Comment #9: Pages 4-1 to 4-33, Figure 4-2A and 4-2B Streams and Springs in the Area

Response: The figure used in the document was not used to perform analysis. This figure is made available only to provide location information concerning potential stream impact areas. Table 4-14 of the FEIS contains estimates of the structure size and type that will be utilized for stream crossings on the Preferred Line.

Specific Comment #10: Page 4-58 and 4-59, Old Roads and Historic Trails

Response: This issue is further addressed in the section on Old Roads and Historic Trails in the FEIS Environmental Consequences Section 4.3.12.5.4 and in the FHWA's August 9, 2004 response letter regarding the SDEIS in FEIS Section 7.2.1 of the Comments and Response section. A second request for comments regarding the Trail of Tears National Historic Trail was submitted by letter to Mr. Aaron Marr of the NPS Long Distance Trail Group in Santa Fe (see letter in Appendix B) and this was followed up by a phone call. To date no guidance or written comments have been received.

Summary Comment #11

Response: Noted. A thorough review was conducted and comments voiced by the USDOJ were addressed in the SDEIS and FEIS as discussed previously.

US Environmental Protection Agency, dated March 18, 2002



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAR 18 2002

Brenda K. Price
Environmental Division
Arkansas State Highway and
Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Dear Ms. Price:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 Office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the "Springdale Northern Bypass U.S. Highway 412, Benton and Washington Counties, Arkansas," dated January 2002. The 1998 Transportation Efficiency Act for the 21st Century (TEA-21) retained the status of the U.S. 412 High Priority Corridor. This status was reinforced with the designation of approximately \$10 million in TEA-21 for improvements in the U.S. 412 corridor through Arkansas.

EPA has rated the DEIS as **EC-2, Environmental Concerns and Requests Additional Information in the Final EIS**. Areas of concern include: the limited nature and extent of likely environmental impacts and clarification of apparent inconsistencies or contradictions between the environmental setting and the predicted impacts. Our classification will appear in the *Federal Register* according to EPA's responsibility under Section 309 of the CAA, to inform the public of our views on proposed federal actions.

General and specific comments are enclosed which more clearly identify the areas to be addressed in the Final EIS. If you have any questions, please contact Joe Swick at (214) 665-7456. Please send our office five copies of the Final EIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20460.

Sincerely yours,

A handwritten signature in cursive script that reads "Rob Lawrence".

Robert D. Lawrence, Chief
Office of Planning and
Coordination (6EN-XP)

Enclosure

Springdale Northern Bypass U.S. Highway 412 Draft EIS

General Comments:

1. Pollution prevention can be an effective way to mitigate adverse impacts under NEPA. CEQ instructs federal agencies to address pollution prevention in the proposed action and reasonable alternatives [40 CFR 1502.14(f), 1502.16(h) and 1508.20]. The proposed project provides an opportunity to integrate pollution prevention measures into both construction activities and the decision-making process. Pollution prevention can include: recycling, including using recycled materials in project construction and operation; increasing efficiency and conservation of energy and water resources; and reducing or eliminating contributions to point or non-point (e.g., runoff) source pollution. Pollution prevention can be implemented with techniques such as waste stream segregation, 'good housekeeping' or best management practices (BMPs), and employee training. The Record of Decision (ROD), documenting the final decision, can be a valuable tool to inform the public and others how pollution prevention was not only included in the NEPA process, but also how it will be implemented.

Executive Order (EO) 12856 - Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements (August 1993) includes commitments that the federal government "should become a leader in the field of pollution prevention through the management of its facilities, its acquisition practices, and in supporting the development of innovative pollution prevention programs and technologies."

EO 12873 - Federal Acquisition, Recycling, and Waste Prevention (October 1993) directs the federal government to more efficiently use natural resources by maximizing recycling and preventing waste whenever possible, and to "serve as a model in this regard for private and other public institutions."

EO 12902 - Energy Efficiency and Water Conservation at Federal Facilities (March 1994) includes requirements for buildings and structures that are constructed, renovated or purchased for use by the federal government.

2. The degree and extent of short-term impacts on water quality can be a direct function of construction practices and the use of BMPs at construction sites. As noted on page 4-38 of the Draft EIS, to help reduce or mitigate potential adverse impacts at construction sites of five acres or larger, the Final EIS should include how the National Pollutant Discharge Elimination System (NPDES) storm water general permit specifications will be integrated into the BMPs with the project design.

3. Considering the total number and multiple groupings of Appendices, it would be helpful for the Final EIS table of contents to include the titles of each Appendix within the different groupings (i.e., A-C, D- F, G-I, etc.). It is also recommended that the Final EIS include an Appendix for "Noise," including the applicable data and noise contour information from the detailed studies to be conducted for the noise barrier analysis of the selected alignment.

4. The Draft EIS provides a well-developed assessment, to date, on cultural resources. It also refers (on page 4-63) to a Memorandum of Agreement (MOA) to be developed with the State Historical Preservation Officer (SHPO) regarding site-specific mitigation and recovery plans. EPA believes any mitigation for adverse effects agreed to through the Section 106 process should be included in the NEPA documentation so the public and other interested parties have a complete picture of the action and all its potential impacts to the environment, both natural and man-made. In this regard, the Final EIS would be strengthened by including, at a minimum, a copy of the draft MOA and if possible, a copy of the executed MOA. As noted, the Final EIS should document any completed consultation between the SHPO and affected Indian Tribe or Tribes.

5. The seriousness of the situation is adequately explained by the level of service and safety issues identified in the Purpose and Need section, as well as the identification of continued problems that would exist under the No Action Alternative. Page 2-5 of the Draft EIS states no action remains a viable alternative in the decision-making process, and the impacts that would result from selection of the no action alternative can be found in the Environmental Consequences section. However, the extent of the technical evaluations of no action in Section 4 consisted basically of a collection of "one-liners" concluding no effect or no impact. The Final EIS would be strengthened by including a more balanced comparison of the net effects of no action, recognizing that without the project, changes will still take place resulting in certain beneficial and adverse effects on the natural and man-made environments.

Specific Comments:

1. Page 1-29 - suggest omitting the last paragraph on the purpose of the project, since it is the same as the first sentence of the second paragraph on this page.

2. Page 4-1, Land Use - since it is also likely that the study area may not develop in a similar manner whether the proposed project is implemented or not, a critical aspect of the NEPA process is to provide the local communities with a better understanding of the land use implications expected from implementation of the proposed project. Additional clarification and analysis appears to be warranted regarding the patterns and densities of development influenced by the project. The Final EIS should clarify areas for development potential, specifically in the vicinity of proposed interchanges and evaluate the secondary impacts of projected land use changes associated with improved access and

economic development. For example, service-related businesses along existing roadways that will be bypassed would be effected. There would be land use change effects associated with the locations of access to the proposed project. Specific environmental impacts should be quantified and compared between alternatives as much as possible, including toll vs. non-toll options since an estimated 33% of future traffic is not expected to use the proposed project if it is a toll road.

3. Page 4-2, Visual Environment - the direct aesthetic impacts on existing land uses (e.g., agricultural, residential, woodland, and others) resulting from the proposed project should be evaluated in the Final EIS.

4. Page 4-4, Air Impacts - paragraph 4.1.2.1 states that the results of the comparison of 2021 traffic projections were compared with the National Ambient Air Quality Standards (NAAQS). However, neither paragraph 4.1.2.2 nor table 4.3 include this acronym or any reference to NAAQS.

The Final EIS should discuss the types and effectiveness of any mitigation measures that will be used to minimize adverse impacts and protect air quality (e.g., vapor recovery systems, fumes incinerators, and dust control measures) during construction. It is recommended that all construction equipment be tuned to the manufacturer's specifications to reduce air emissions. Open burning should be minimized, or avoided if possible, to reduce the emissions of ozone precursors. Water is recommended for fugitive dust control during construction instead of oils or other chemicals. The parties which would be responsible for implementing air quality mitigation measures should also be included in the Final EIS.

5. Pages 4-7 through 4-13, Noise Impacts - as a part of the additional impact and mitigation analyses to be presented in the Final EIS, construction periods (months, years) should be included in assessing the magnitude of noise impacts, as well as the short-term or temporary construction time associated with any one feature along the right of way or section thereof. For example, clarify how long construction is expected to take near any given residence or for an average mile of roadway. This information would allow affected residents to better approximate their degree of noise disturbance during construction.

In reference to the numbers of affected noise receptors in tables 4-5 and 4-6, and the construction equipment noise levels presented in table 4-7, it is questionable that certain construction noise impacts, particularly periodic events, could not be substantial. EPA considers a 10 dBA or greater increase due to the project to be substantial since a 10 dBA increase is perceived as a doubling of sound by the human ear. When predicted traffic noise levels substantially exceed the existing noise level, it is an adverse impact which warrants further analysis and attention.

The Final EIS should adequately address reasonable mitigation measures in the vicinity of residential areas or other areas of noise-sensitive land use. Modeling should be consistent for noise analyses, and it is important that the same noise model version be used for both the Draft and Final EISs. For example, use of STAMINA followed by the use of Traffic Noise Model could create concern regarding model acceptability.

Regarding the various mitigation measures available to minimize potential noise impacts, EPA recommends that construction should not start before 7:00 AM or continue after 7:00 PM during the work week and should be discontinued on Sundays (preferably the entire weekend) and on locally-observed federal and/or state holidays. Possible exceptions involve nighttime construction in urban areas that would otherwise involve lane closures during daytime peak traffic periods. The use of "hush houses" should be considered around any stationary equipment to shield noise at its source. In addition to tuning all motorized equipment to manufacturer's specifications, all construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings.

6. Page 4-13, Economic Impacts - the Final EIS would be strengthened by clarifying the anticipated positive impacts on the local economy through the construction period (e.g., estimated number and types of jobs and employment incomes, and other economic development opportunities, etc.).

7. Page 4-22 - in reference to general comment no. 5 (above), the Final EIS should include an evaluation of the anticipated indirect effects of the no action alternative on neighborhoods.

8. Environmental Justice (EJ) - page 4-22 of the Draft EIS states that some affected residents are minority, low-income and elderly, and based on a specific profile the Final EIS will assess any EJ issues. The EJ analysis on page 4-26, however, did not reflect this information or approach, and in contrast, concluded that there were no EJ issues involved with the project.

The Final EIS should include an EJ evaluation, pursuant to Executive Order 12898. The Final EIS should clarify whether any of the alternatives, including the preferred project, would result in a disproportionate impact on minority and low-income groups by comparing the minority and low-income characteristics of smaller geographical areas (project area) with those of a larger geographical areas (reference area). U.S. Census data for 1990 (or more recent if possible) should be used for the minority and low-income analysis, including data at the block group level for the project area and the county, metropolitan statistical area, or state for the reference area. Maps could also be used to document potential EJ areas of concern within the project corridor and to add to the evaluation of population density, minority and low-income status.

The Final EIS should indicate the demographic threshold for determining significant minority and low-income populations in the project/study area. The Final EIS should address the issue of disproportionately high and adverse impacts by comparing environmental impact data to EJ information for highway segments. This includes the risk of adverse environmental impacts predominately in areas with minority or low-income populations or where the impacts are greater in magnitude in areas with minority or low-income populations than in other areas. The assessment should include beneficial and adverse, direct and indirect, short-term and long-term, and cumulative impacts.

9. Floodways and Floodplains - table H-1 in Appendix H should be expanded to include the same segment breakdown for the preferred line or alignment as lines 1-4.

10. Impacts to Floodplains - EPA recommends bridging of floodplains whenever possible. The Final EIS should address any project impacts contributing to loss of floodwater storage or retention functions, and mitigation measures should include in-kind replacement of those functions.

11. Impacts to Streams - stream restoration is EPA's preferred mitigation option for adverse impacts to streams. The Final EIS should include actions taken to correct project-related impacts that could destroy, diminish, or impair the character and function of affected streams. Restoration converts an unstable, altered, or degraded stream channel to its natural or referenced stable condition, with consideration of recent and future watershed conditions. This process may include restoration of the stream's geomorphic dimension, pattern, and profile and/or biological and chemical integrity; as well as transport of water and sediment produced by the streams' watershed in order to achieve dynamic equilibrium. Other components of stream mitigation may include riparian buffer restoration and preservation of appropriately buffered streams.

12. Impacts to Water Quality - on page 4-37, the Draft EIS states that project construction will likely result in localized, short-term adverse water quality impacts, including exceedances of state water quality standards.

EPA is concerned about degradation of water quality in various ways from the pollutants associated with road construction and operation. The Final EIS should address water quality impacts in greater detail and include adoption of site-specific mitigation measures to protect water quality and designated uses. Mitigation measures should be tailored depending on the condition of the specific water resource and the severity of the potential impacts. Unavoidable stream crossings should be strategically placed to reduce harm by avoiding fish spawning areas, fringe wetlands, approaching at right angles to streams, etc. The evaluation should also clarify how the project will comply with state and local water quality management plans, state water quality objectives, and state-adopted, EPA-approved water quality standards.

13. Impacts to Groundwater Quality - on pages 4-39 and 4-40, the Draft EIS states that in recognition of the greater potential for impacts to the Springfield Plateau aquifer, special provisions and actions will be required. The Final EIS should identify the mitigation measures to prevent or reduce adverse impacts to groundwater quality and discuss their effectiveness. These measures should work in concert with state and local agencies which regulate the protection of groundwater resources (e.g., the Arkansas Department of Health, and water pollution control agencies).

14. Impacts to Terrestrial Communities - on page 4-41, the Draft EIS states the effects to flora biodiversity will be minor. The Final EIS should also discuss biodiversity aspects of the project regarding impacts on animals (biota). For example, will the project increase, restore, or decrease biodiversity of the area or region? Coordination with the U.S. Fish and Wildlife Service (FWS) and the Arkansas Game and Fish Commission is recommended regarding the design of any project mitigation areas to enhance or restore biodiversity. Appropriate compensatory mitigation for adverse impacts to these resources or loss of critical ecosystem functions should be addressed in the Final EIS.

15. Threatened and Endangered Species - on page 4-43, the Draft EIS states that no federally protected species are known to inhabit any of the alternative alignments; however, no determination was included regarding any effect or impact. The Final EIS should demonstrate "adequate coordination" with the FWS regarding the potential for adverse effect. Adequate coordination includes either: a) a determination of no effect; b) a determination of no adverse impact with a letter of concurrence from the FWS; or c) a determination of adverse impact and initiation of formal consultation with the FWS resulting in their biological opinion for the species concerned, including reasonable and prudent measures to mitigate adverse impacts.

16. Prime Farmland - on page 4-64, the Draft EIS states that the converted or affected acres of prime farmland, farmland of statewide importance, and total acres of farmland are presented in table 4-21. Since the acres listed for the prime farmland and farmland of statewide importance columns of the table do not add up to the column for total acres under farmland conversion, additional clarification is needed. For example, if the farmland conversion numbers are correct and represent the total acres converted, another column should be added to the table to reflect the differences. EPA recommends that the Final EIS also consider the protection of prime farmland, including mitigation measures to avoid or reduce the loss of such valuable resources.

17. Hazardous Materials - the Final EIS should document that construction and operation activities associated with the proposed project will follow the label instructions for proper storage, transportation, use, and disposal of all hazardous materials.

18. Construction Impacts - it is suggested that the Final EIS format address applicable construction impacts within each of the affected resource categories. The value of this section (4.5) is questionable given the general nature and extent of the assessment, and detailed analyses (e.g., air, noise and water quality impacts) are referenced to other (previous) portions of the Environmental Consequences section.

19. Cumulative Impacts - on page 4-69, the Draft EIS states that cumulative impacts are those that result from the consequences of an action when added to other past and reasonably foreseeable future actions, such as those currently under study or planned. Reference is also made to three other road projects and the efforts made to closely coordinate these actions to minimize cumulative impacts for the four projects, such as reduced costs and the effects of construction and operation. However, considering the scope of these potential combined effects, little technical analysis of cumulative impacts was provided.

With respect to transportation projects which could both serve and induce land use changes and the subsequent environmental effects, the analysis of these combined changes and effects is important to the understanding of the overall impact of the federal action on the natural, cultural and socioeconomic environments. Consideration of cumulative impacts requires the assessment of an area's ability (temporally and geographically) to absorb additional development, the loss of businesses or residences, and the watershed's ability to absorb the loss of additional floodplains and wetlands, etc.

The Final EIS should estimate the cumulative impacts associated with the proposed and other reasonably foreseeable projects. This would include the additive effects of a given parameter for all contributing projects in the area, as well as the cumulative impact of all parameters for all projects in the area. EPA also suggests that the spatial/temporal criteria of the analysis be given and that they be uniform throughout the analyses, as necessary given the varied terrain. EPA recommends the evaluation of cumulative impact be presented within each affected resource area, similar to the specific break-out of the direct and indirect (secondary) effects, as opposed to a separate section at the end of the Environmental Consequences section.

20. It is suggested that Section 6 (mitigation commitments) be incorporated within the applicable resource areas evaluated in the Environmental Consequences section of the Final EIS.

General Comment 1: Pollution prevention

Response: Section 4.5 of the SDEIS and FEIS addresses how pollution prevention will be implemented within the proposed project.

General Comment 2: Water quality

Response: As noted in section 4.3.4.1.1 of the DEIS and Section 4.3.4.1.1 of the SDEIS, a commitment has been established to comply with the NPDES requirements for this proposed project. At this time, this includes preparation of a SWPPP and all BMPs needed for control of erosion and sedimentation. To compose an effective SWPPP, the design of the project must be known. A SWPPP cannot be completed until the survey and design process is nearing completion. The AHTD Erosion and Sediment Control Design and Construction Manual provides the basic information that will be used to develop the SWPPP. Any SWPPP information provided in the FEIS, besides a general list of BMPs that might be utilized, would be speculation.

General Comment 3: Appendices

Response: The SDEIS and FEIS Table of Contents included a listing of each appendix and tabbed each one separately.

Appendix P of the FEIS contains the modeling input data that was utilized in the Traffic Noise Model and a table illustrating the distances for the various noise contours for the Preferred Line. Noise barrier analysis of the selected alignment after will take place the Record of Decision. Once the Selected Alternative has been chosen, the project design and survey process will be completed. Upon completion, efforts will be made to assess the Selected Alternative for potential adverse noise impacts to the appropriate surrounding noise sensitive areas, specifically for areas that warrant noise mitigation. In order for areas to warrant noise mitigation, specific criteria must be met, based on AHTD's Highway Traffic Noise Analysis Policy Of Reasonableness and Feasibility For Type I - Noise Abatement Measures. Once an area meets these criteria, a barrier analysis will be performed for the area of concern in order to determine the appropriate types(s) of noise mitigation, such as barrier walls or berms.

General Comment 4: Cultural resources MOA

Response: It is not feasible at this point in the planning process to develop a Memorandum of Agreement (MOA) because further survey and evaluation work is needed to identify any unknown archeological sites that may be present along the Preferred Line. Once all resources have been identified, evaluated and appropriate treatment plans have been developed, a MOA can be drafted and implemented. As stated in section 4.3.12.6.1, a phased approach to the identification of cultural resources is being used due to the lack of preliminary project design and land access issues.

General Comment 5: No-Action

Response: Beneficial and adverse impacts of the No-Action Alternative were including in the DEIS, SDEIS, and FEIS. Each impact sub-section in the Environmental Consequences describes the impacts resulting from the No-Action Alternative. Most of these discussions are brief, since lengthy discussion is not necessary to provide the basic analysis and/or information needed for the impact determination associated with the No-Action Alternative. In addition, the Impact Summary table in the DEIS included a summary of the No-Action Alternative impacts.

Specific Comment 1: Page 1-29

Response: Noted, change made.

Specific Comment 2: Page 4-1, Land use.

Response: Section 4.1 of the SDEIS and FEIS contains additional clarification and analysis of the land use implications expected from implementation of the proposed project.

Specific Comment 3: Page 4-2, Visual Environment.

Response: The SDEIS and FEIS address aesthetic impacts in section 4.1.1.

Specific Comment 4: Page 4-4, Air Impacts.

Response: Both the SDEIS and FEIS include clarification of the acronym NAAQS in the Environmental Consequences Section under the Air Quality discussion (Section 4.1.2.). For further information regarding mitigation measures, refer to Section 4.1.2.2 of the Environmental Consequences Section of the FEIS.

Specific Comment 5: Pages 4-7 through 4-13, Noise Impacts.

Response: See Section 4.1.3.7 of the Environmental Consequences section of the FEIS for additional information addressing construction noise and mitigation. Since a Supplemental DEIS analysis was required for this project, the model used to analyze the noise was changed from STAMINA to Traffic Noise Model between the DEIS and SDEIS, as documented.

Specific Comment 6: Page 4-13, Economic Impacts.

Response: This information was added to Section 4.2.1 of the SDEIS and FEIS.

Specific Comment 7: Page 4-22, evaluation of anticipated indirect effects of no action on neighborhoods.

Response: The SDEIS and FEIS contain an Environmental Justice evaluation in Section 4.2.4.

Specific Comment 8: Environmental Justice, Page 4-22.

Response: The SDEIS and FEIS contain an Environmental Justice evaluation in Section 4.2.4. This information is based on U.S. Bureau of the Census data for 2000.

Specific Comment 9: Floodways and Floodplains.

Response: Comment noted.

Specific Comment 10: Impacts to Floodplains.

Response: Comment noted. Section 4.3.2, Floodways and Floodplains section in the DEIS, SDEIS, and FEIS include appropriate commitments concerning the mitigation of floodplain impacts.

Specific Comment 11: Impacts to Streams.

Response: Comment Noted. The FEIS commits to stream mitigation, if required by the USACE, in Section 4.3.3.3.

Specific Comment 12: Impacts to Water Quality.

Response: Comment Noted. As requested, the Surface Water Quality Section was expanded in the FEIS to include more information. Although site-specific mitigation measures to protect water quality will not be available until the design stage of the project, potential measures to be used for protection of water quality are outlined in the Surface Water Quality section and the Storm Water Runoff section. Applicable regulations and permit requirements are also outlined in these sections. Compliance of the project with these regulations and permits will assure adherence to local water quality management plans, state water quality objectives, and state-adopted water quality standards.

Specific Comment 13: Impacts to Groundwater Quality.

Response: The Environmental Consequences Groundwater Quality Section, Section 4.3.5., was expanded in the FEIS to include additional information.

Specific Comment 14: Impacts to Terrestrial Communities.

Response: The last paragraph of Section 4.3.7.2 (p. 4-42) of the DEIS states that “no animal populations or communities should be extirpated by the proposed project, regardless of alignment selected,...”, therefore biodiversity should not be negatively affected by the proposed project. “Biodiversity mitigation” should not be required for the project, however the AHTD will attempt to acquire uneconomic remnants and preserve these to partially offset conversions of terrestrial habitats to highway use.

Specific Comment 15: Threatened and Endangered Species.

Response: Coordination with USFWS has been ongoing since the DEIS and has included additional investigations related to Threatened and Endangered Species. The AHTD will request a determination of no adverse impact and a letter of concurrence from USFWS prior to the Record of Decision.

Specific Comment 16: Prime Farmland.

Response: The remaining farmland not designated in Table 4-21 of the DEIS is not considered prime farmland or farmland of statewide importance. Additional clarification was added to the SDEIS. Comment Noted.

Specific Comment 17: Hazardous Materials.

Response: This information is addressed in SDEIS and FEIS Section 4.5, Pollution Prevention, and Appendix E.

Specific Comment 18: Construction Impacts.

Response: Comment Noted. The information related to construction impacts is contained within each impact sub-section of Section 4, Environmental Consequences. Please refer to these sub-sections of the FEIS for specific information related to these impacts.

Specific Comment 19: Cumulative Impacts.

Response: Comment Noted. Information available to date on these projects is scanty or unavailable. Two of the projects are in the distant planning phase and may never be constructed due to financial constraints. This FEIS complies with FHWA's policy on addressing secondary and cumulative impacts as contained in FHWA's Interim Guidance: Questions and Answers Regarding Indirect and Cumulative Impact Considerations in the NEPA Process.

Specific Comment 20: Mitigation Commitments.

Response: In the DEIS, SDEIS, and FEIS, the Commitments Section is a summary of all the commitments made in the document. These commitments are taken directly from the resource areas evaluated in the Environmental Consequences.

Arkansas Department of Environmental Quality (ADEQ), dated April 12, 2002

ADEQA R K A N S A S
Department of Environmental Quality

April 12, 2002

Mr. Marion Butler
Division Head, Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, Arkansas 72203-2261

RECEIVED
A.H.T.D.
APR 16 2002
ENVIRONMENTAL
DIVISION

Re: Springdale Northern Bypass (U.S. 412)

Dear Mr. Butler:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the above-referenced project. In response to your request for review and comments, we offer the following:

The document describes many approaches to reduce the impact of this project on water resources. While many of the approaches mentioned work in theory, the success of these approaches lies in correct selection, installation and maintenance of Best Management Practices (BMPs). The Department of Environmental Quality encourages the careful study and selection of roadway construction BMPs, as well as on-site monitoring during construction to make certain that contractors are following through with correct installation. An excellent guide to these BMPs is your "Erosion and Sediment Control Design and Construction Manual," Arkansas State Highway and Transportation Department, 1994.

Section 3.3.1.1.2 Mineral Resources

- #1 This discussion of mineral deposits states, in the second to last bullet, that "Reserves of sand and gravel deposits are large and nearly inexhaustible because they are replenished by the action of flood waters." We do not recommend advocating the removal of sand and gravel from streambeds.

Section 4.3.2 Floodways and Floodplains

- #2 Section 4.3.2 describes the methods that will be used to minimize floodplain impacts. The methods described should achieve satisfactory results in reducing effects on floodplains and floodways. However, ADEQ recommends that all bridges and stream crossings be designed so that the bankfull cross-section dimensions of the natural channel are maintained. In addition, the road grade should allow the floodplain to drain without being forced through bridge openings. If water is forced off of the

floodplain by the road grade through a bridge opening, increased velocity will occur, resulting in scour and the necessity of future maintenance. By incorporating natural channel design into the construction of bridges and stream crossings, floodplain effects can be minimized, maintenance costs can be reduced, and stream stability can be maintained.

Section 4.3.3.2 **Impacts to Streams and Springs**

- #3 As stated in Section 4.3.3.2, “All of the proposed alignments will impact streams and springs or spring complexes.” If appropriate steps are taken, most adverse impacts from road construction can be eliminated. Reducing the environmental impacts of a road project can often lead to reduced maintenance costs in the future.

Section 4.3.4 **Surface Water Quality**

- #4 Section 4.3.4 states that “Temporary exceedances of state water quality standards for turbidity may occur.” If BMPs to reduce turbidity are properly selected, installed and maintained during construction activities, suspended sediments from erosion should not be a problem.

Another potential source of sediment may be from areas of cut or fill. These areas should be adequately vegetated to reduce sediment runoff. Such sites should be maintained for whatever length of time is required so they are not a source of excess sediment. Lack of long-term site maintenance may result in significant amounts of suspended sediment years after the initial disturbance occurred.

Section 4.3.4.1.3 **Highway Runoff**

- #5 Section 4.3.4.1.3 lists specific measures to be considered and used for management of potential pollution problems, including grassed channels, overland flow through vegetation, wet detention basins, infiltration basins, and wetlands. Many water quality problems observed in Arkansas are due to nonpoint source pollutants, including the potential for those detailed within this section. The project should be designed and constructed with every regard to reducing nonpoint source pollution from both construction activities and the completed infrastructure.

General comments

- #6 In the draft EIS, it is mentioned that channel alterations are going to occur. All channel modifications should be designed using natural channel design concepts to preserve the geometry, pattern and profile of a stable stream. Utilizing a natural channel design approach will reduce future maintenance and mitigation costs by reducing stream bank instability at the site as well as downstream of the site.

Although the addition of paved area from this project will not dramatically increase the percentage of impervious area in the affected watersheds, the increased impervious area has the potential to affect small, adjacent sub-watersheds by increasing discharges and peak flows. Each small watershed that

drains the highway will be subject to increased erosion. The increased erosion has the potential to affect larger reaches downstream by delivering quantities of sediment that the stable stream form cannot efficiently transport. The net result would be increased erosion downstream resulting in water quality impacts. In order to avoid this possibility, stormwater controls should be implemented in every instance where the highway drains to the environment.

Funding to enhance the environmental quality of this project may possibly be obtained through the Transportation Equity Act, which allows states to spend up to 20 percent of their "State Transportation Funding" dollars (used for transportation facility reconstruction, rehabilitation, resurfacing, or restoration projects) for environmental restoration and pollution abatement projects, including the construction of stormwater treatment systems.

Thank you for the opportunity to comment on this Draft EIS. If you have any questions, please feel free to contact me at (501) 682-0020.

Sincerely,



Sandi Formica
Chief, Environmental Preservation Division

SF/cr

cc: Mary Leath, Chief Deputy Director; Arkansas Department of Environmental Quality (ADEQ)

Comment #1: Section 3.3.1.1.2 Mineral Resources

Response: Comment noted. This statement merely relays the information that sand and gravel reserves are replenished by the action of flood waters and does not convey the intent to mine streambeds. We are not advocating removal of sand and gravel from streambeds, since ADEQ's Regulation 15 for Mining prohibits in-stream mining in Arkansas.

Comment #2: Section 4.3.2 Floodways and Floodplains.

Response: Comment noted.

Comment #3: Section 4.3.3.2 Impacts to Streams and Springs.

Response: Comment noted.

Comment #4: Section 4.3.4 Surface Water Quality.

Response: Comment noted.

Comment #5: Section 4.3.4.1.3 Highway Runoff.

Response: Comment noted.

Comment #6: General Comments.

Response: Comments noted.

Arkansas Department of Health, dated February 21, 2002



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Fay W. Boozman, MD, MPH, Director

Mike Huckabee, Governor

February 21, 2002

Marion Butler, Division Head
Environmental Division
Arkansas Highway and Transportation Department
P.O. Box 2261
Little Rock, Arkansas 72203-2400

RE: DEIS Springdale Northern Bypass (U.S. Hwy. 412), AHTD Job # 040266,
Benton and Washington Counties

Dear Mr. Butler:

The referenced highway project was referred to the Division of Engineering for comments. A staff review by the Division has been made on the information received in the Draft Environmental Impact Statement. The Division of Engineering has the following comments on the submittal.

- 1) Numerous water and sewer mains, including major water transmission mains up to 36 inches in diameter, exist on all proposed alignments.
- 2) Beaver Lake is the source water for the Beaver, Benton-Washington, Carroll-Boone, and Madison County water treatment plants. The intakes for all four water treatment plants are downstream of all proposed alignments. Erosion needs to be controlled during construction so that highly turbid run-off water does not reach Beaver Lake.
- 3) Alignment # 1 appears to conflict with Friendship Cemetery.

Keeping Your Hometown Healthy

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Mr. Marion Butler
RE: DEIS Springdale Northern Bypass
Page 2

If you have any questions or comments, please coordinate them through Audree Miller at 501-661-2623.

Sincerely,



Bob Makin, P.E.
Assistant Director
Division of Engineering

BM:LG:RAM:GRT:RD:CC:AM:am

cc: Marilyn Dunavant, ADH, Slot 10
Fay W. Boozman, M.D., ADH, Slot 39

Comment 1: Water and sewer mains

Response: Comment noted.

Comment 2: Beaver Lake

Response: Comment noted.

Comment 3: Friendship Cemetery

Response: Alignment 1 did not directly impact Friendship Cemetery, as shown in Table 4-19 of the DEIS. The Preferred line is about two miles from Friendship Cemetery. It will not be affected.

Department of Finance and Administration-State Clearinghouse Review, August 30, 2002

Responses:

Arkansas Soil and Water Conservation Commission-No Comment

Arkansas Forestry Commission-No Comment

Arkansas Geological Commission-No Comment

Arkansas Department of Economic Development-Supports

Arkansas Game and Fish Commission-Comment Noted



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES
1515 West Seventh Street, Suite 417
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

August 30, 2002

Mr. Marion Butler
Division Head Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

RE: Job #040266-Springdale Northern Bypass (US 412) Benton and Washington Counties

Dear Mr. Butler:

The State Clearinghouse has received the above document pursuant to the Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was forwarded to members of the Arkansas Technical Review Committee. Resulting comments received from the Technical Review Committee which represents the position of the State of Arkansas are attached.

The State Clearinghouse wishes to thank you for your cooperation with the Arkansas Project Notification and Review System.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy L. Copeland".

Tracy L. Copeland, Manager
State Clearinghouse

TLC/lr
Enclosure
CC: Randy Young, AS&WCC



Arkansas Soil and Water Conservation Commission

J. Randy Young, P.E.
Executive Director

101 EAST CAPITOL
SUITE 350
LITTLE ROCK, ARKANSAS 72201

PHONE 501-682-1611
FAX 501-682-3991

MEMORANDUM

TO: Mr. Tracy Copeland, Manager
State Clearinghouse

FROM: *JRY* Mr. J. Randy Young, P.E.
Executive Director

SUBJECT: Job #040266 - Springdale Northern Bypass
(US 412) Benton and Washington Counties

DATE: August 26, 2002

RECEIVED
AUG 29 2002
INTERGOVERNMENTAL
SERVICES
STATE CLEARINGHOUSE

Members of the Technical Review Committee have reviewed the above referenced project: in which is the draft environmental impact statement. The Committee supports this project. Comments are attached for your review.

The opportunity to comment is appreciated.

JRY/ddavis
Enclosure

An Equal Opportunity Employer

Aug 29 2002 14:12 P:81

FAX:501-682-3991

PR SOIL & WATER



STATE OF ARKANSAS
Department of Finance
and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES
State Clearinghouse
15 West Seventh Street, Suite 412
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

RECEIVED
02 FEB 14 PM 3:41
SOIL & WATER COMM

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, Manager – State Clearinghouse
DATE: February 13, 2002
SUBJECT: JOB NUMBER 040266/SPRINGDALE NORTHERN BYPASS (U.S. 412)
BENTON & WASHINGTON COUNTIES

#1395

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

MARCH 6, 2002

Your comments should be returned by _____ to – Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, Arkansas 72203.

If we have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ASWCC at 682-1611 or the State Clearinghouse Office.

- Support
- Do Not Support (Comments Attached)
- Comments Attached
- Support with Following Conditions
- No Comments
- Non-Degradation Certification Issues (Applies to PC&E Only)

Signature [Handwritten Signature] Agency ASWCC Date 3-6-02

NOTE!!! COPIES OF THE COMPLETE DRAFT ENVIRONMENTAL IMPACT STATEMENT WERE SENT TO YOUR OFFICE DIRECTLY FROM THE HIGHWAY DEPT.)



STATE OF ARKANSAS
Department of Finance
and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES
State Clearinghouse

1515 West Seventh Street, Suite 412
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Little Rock, Arkansas 72203-3278
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02 FEB 21 PM 2:32

SOIL & WATER COMM.
MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, *TLC* Manager - State Clearinghouse
DATE: February 13, 2002
SUBJECT: JOB NUMBER 040266/SPRINGDALE NORTHERN BYPASS(U.S.412)
BENTON & WASHINGTON COUNTIES

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

MARCH 6, 2002

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<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Do Not Support (Comments Attached)
<input type="checkbox"/> Comments Attached	<input type="checkbox"/> Support with Following Conditions
<input type="checkbox"/> No Comments	<input type="checkbox"/> Non-Degradation Certification Issues (Applies to PC&E Only)

Signature James S. Matthews Agency Ark For Comm Date 20 Feb 02

NOTE!!! COPIES OF THE COMPLETE DRAFT ENVIRONMENTAL IMPACT STATEMENT WERE SENT TO YOUR OFFICE DIRECTLY FROM THE HIGHWAY DEPT.)



STATE OF ARKANSAS
Department of Finance
and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES

State Clearinghouse
1515 West Seventh Street, Suite 412
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, ^{TLC} Manager - State Clearinghouse
DATE: February 13, 2002
SUBJECT: JOB NUMBER 040266/SPRINGDALE NORTHERN BYPASS(U.S.412)
BENTON & WASHINGTON COUNTIES

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

MARCH 6, 2002

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- Support
- Do Not Support (Comments Attached)
- Comments Attached
- Support with Following Conditions
- No Comments
- Non-Degradation Certification Issues (Applies to PC&E Only)

Signature William V. B... Agency Ark Geol. Comm Date 2-15-02

NOTE!!! COPIES OF THE COMPLETE DRAFT ENVIRONMENTAL IMPACT STATEMENT WERE SENT TO YOUR OFFICE DIRECTLY FROM THE HIGHWAY DEPT.)



STATE OF ARKANSAS
Department of Finance
and Administration

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2002 FEB 13 AM 8:43
SOIL & WATER COMM.

OFFICE OF INTERGOVERNMENTAL SERVICES
State Clearinghouse
1515 West Seventh Street, Suite 417
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

MEMORANDUM

RECEIVED

FEB 14 2001

ADDED
DIRECTOR'S OFFICE

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, ^{TLC} Manager - State Clearinghouse
DATE: February 13, 2002
SUBJECT: JOB NUMBER 040266/SPRINGDALE NORTHERN BYPASS(U.S.412)
BENTON & WASHINGTON COUNTIES

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

MARCH 6, 2002

Your comments should be returned by _____ to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, Arkansas 72203.

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NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ASWCC at 682-1611 or the State Clearinghouse Office.

- Support
- Do Not Support (Comments Attached)
- Comments Attached
- Support with Following Conditions
- No Comments
- Non-Degradation Certification Issues (Applies to PC&E Only)

Signature [Signature] Agency ADFD Date 2-14-02

NOTE!!! COPIES OF THE COMPLETE DRAFT ENVIRONMENTAL IMPACT STATEMENT WERE SENT TO YOUR OFFICE DIRECTLY FROM THE HIGHWAY DEPT.)

Arkansas Game & Fish Commission
2 Natural Resources Drive Little Rock, Arkansas 72205



Hugh C. Durham
Director

MEMORANDUM

TO: Randy Young, Chairman
Technical Review Committee

DATE: April 22, 2002

FROM: Craig K. Uyeda, Member
Technical Review Committee

*Craig Uyeda
by Robert K. Leamy*

CC: Arkansas Highway and
Transportation Dept. ✓
USFWS, Conway Office
State Clearinghouse
Donny Harris, AGFC
Mike Gibson, AGFC

SUBJECT: Public Notices

Responsive to a memorandum dated February 13, 2002 from the State Clearinghouse, we have the following comments to minimize fish and wildlife impacts on the proposed project.

JOB NUMBER 040266/SPRINGDALE NORTHERN BYPASS (U.S. 412) BENTON AND WASHINGTON COUNTIES. Biologists from our agency have reviewed the Draft Environmental Impact Statement and have the following comments:

There appears to be an adequate assessment of possible impacts to fish and wildlife that may be associated with this proposed project. We feel that the preferred alternative would be the best choice to minimize impacts to fish and wildlife. Our agency can evaluate specific stream crossings with this alternative during the 404 permitting process.

We appreciate the opportunity to provide comments on this proposed project.

CKU/RKL/jah

Phone: 501-223-6305 Fax: 501-223-6448 Website: www.agfc.com

The mission of the Arkansas Game and Fish Commission is to wisely manage all the fish and wildlife resources

The Department of Arkansas Heritage, March 14, 2002



The Department of
**Arkansas
Heritage**

Mike Huckabee, Governor
Cathie Matthews, Director

Arkansas Arts Council

Arkansas Natural Heritage
Commission

Historic Arkansas Museum

Delta Cultural Center

Old State House Museum



Arkansas Historic
Preservation Program

1500 Tower Building
323 Center Street
Little Rock, AR 72201
(501)324-9880
fax: (501)324-9184
tdd: (501)324-9811
e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.org

An Equal Opportunity Employer



March 14, 2002

Mr. Marion Butler
Division Head
Environmental Division
Arkansas State Highway and
Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

RE: Multi County – General
Section 106 Review – FHWA
Draft Environmental Impact Statement: Springdale
Northern Bypass (U.S. Highway 412), Benton and
Washington Counties, Arkansas

Dear Mr. Butler:

My staff has reviewed the Draft Environmental Impact Statement on the proposed referenced undertaking. We concur with your decision to conduct an intensive cultural resources survey, and do National Register eligibility evaluations on properties in the area of potential effect. We can proceed with our review upon receipt of a report on this investigation.

Thank you for your interest and concern for the cultural heritage of Arkansas. If you have any questions, please contact George McCluskey of my staff at (501) 324-9880.

Sincerely,

Ken Grunewald
Deputy State Historic Preservation Officer

cc: Federal Highway Administration
Osage Nation
Arkansas Archeological Survey

Response: Comment noted.

Arkansas Department of Human Services, March 18, 2002



Arkansas Department of Human Services

Office of Administrative Services

P. O. Box 1437, Slot W401

Little Rock, Arkansas 72203-1437

Telephone (501) 682-6446 Fax (501) 682-6444

March 18, 2002

Marion Butler, Division Head
Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock AR 72203-2261

Dear Mr. Butler:

After careful review of Job No. 040266, Springdale Northern Bypass (U.S. 412), Benton and Washington Counties,, we submit that there is no impact by this project on any of our operations in Benton or Washington Counties along the route of this new construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Hart".

Roy Hart
Chief Administrative Officer

"The Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act."

Response: Comment noted.

7.1.2 Response to Communities and Organization Comments on the DEIS

A copy of the specific comment letter from each community or organization is followed by responses to the comments. Each letter is numbered to correspond with the appropriate comment. Where no response is warranted, a copy of the comment letter is included for informational purposes.

City of Springdale, April 11, 2002



OFFICE OF THE MAYOR
JERRE M. VAN HOOSE

April 11, 2002

Ms. Brenda K. Price
Arkansas Highway & Transportation Department
P. O. Box 2261
Little Rock, AR 72203-2261

Dear Ms. Price:

Transmitted herewith is a copy of a joint resolution adopted by the Springdale Planning Commission and the Springdale City Council expressing our support for the Springdale Northern Bypass U.S. Highway 412. As stated in the resolution it has been the City's belief that the route should go as far north and east as possible and the resolution indicates locations in which this should be considered. In addition, we are requesting that additional interchanges be considered on the eastern location of the route between US412 and State Highway 264.

A petition signed by several hundred residents in the Callahan Mountain area as well as the residential areas south of Wagon Wheel Road was presented to the City Council at its meeting on Tuesday, April 9th. The petition requested that AHTD reevaluate routes north of Callahan Mountain, specifically the route shown on the map included with the petition. The Council voted to transmit this proposal to AHTD and request that due consideration be given to the feasibility of their request.

On behalf of the citizens of the area, I want to thank the AHTD staff for the outstanding work you have done to find a route for this much needed facility. I especially appreciate the quality of the recent three days of hearings conducted in Northwest Arkansas. We know that public hearings are tough work, but you handled it as professionally as could be expected.

We appreciate your consideration of these matters and look forward to your response.

Sincerely,


Jerre M. Van Hoose
Mayor

Enclosure

PLANNING COMMISSION RESOLUTION NO. 02-02
CITY COUNCIL RESOLUTION NO. 31-02

A JOINT RESOLUTION BY THE SPRINGDALE
PLANNING COMMISSION AND THE SPRINGDALE CITY
COUNCIL EXPRESSING SUPPORT FOR THE
SPRINGDALE HIGHWAY 412 NORTHERN BYPASS

WHEREAS, the Springdale Planning Commission and the Springdale City Council with the revision of the City's Master Street Plan recognized the need for a northern bypass and included it on the adopted plan; and

WHEREAS, the Master Street Plan identifies the City's belief that the bypass needs to be located as far north and east as possible and as such is shown in that location on the Plan.

NOW, THEREFORE BE IT RESOLVED BY THE SPRINGDALE PLANNING COMMISSION OF THE CITY OF SPRINGDALE, ARKANSAS AND THE SPRINGDALE CITY COUNCIL:

1. That the Planning Commission and the City Council fully support a Highway 412 northern bypass in Springdale as indicated on the adopted Master Street Plan.
2. That the Planning Commission and City Council feels that a corridor north of Callahan Mountain, south of the recharge area and north of the quarry remains the City's preferred location which would place the route as far north possible.
3. That after review of the preferred alignment, the Planning Commission and City Council feels that Line 2 between E and F and Line 4 from Line 2 to Highway 264 would best serve the interests of the City of Springdale on the east side.
4. That the Planning Commission and City Council suggests that at least two interchanges be included, one at Monitor Road, and a second at Parson-Monitor Road which is consistent with the Master Street Plan which shows an extension of Huntsville Road unto this general area. A third possible interchange may be needed at an extension of Sonora Road where it would intersect with the proposed location. A map showing the proposed intersection locations is attached and made a part of this resolution.

- 5. That the adopted Master Street Plan shows Old Wire Road as an arterial serving as the major north/south route on the east side of Highway 71B and an interchange is needed at Old Wire Road. The Commission supports the relocation of the proposed interchange at Highway 264 East to Old Wire Road.

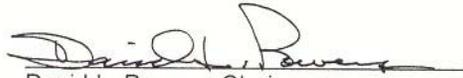
PASSED AND APPROVED BY THE SPRINGDALE PLANNING COMMISSION

this 2ND day of April, 2002.

PASSED AND APPROVED BY THE SPRINGDALE CITY COUNCIL this 9th

day of April, 2002.

SPRINGDALE PLANNING COMMISSION


David L. Powers, Chairman

ATTEST:


Terry McConnell, Secretary

SPRINGDALE CITY COUNCIL


Jerre M. Van Hoose, Mayor

ATTEST:


Denise Pearce, City Clerk

Response Comment 1: Comment noted.

Response Comment 2: This alignment was developed and studied in the SDEIS as Line 5, and is the Preferred Alignment in the FEIS.

Response Comment 3: Line 2/4 was chosen in the DEIS as the Preferred Segment in the E-F segment. The center segments, B-E were re-evaluated in the SDEIS to include the alignment requested in Comment Number 2.

Response Comment 4: No interchanges are planned for the proposed bypass at Monitor Road or Parson-Monitor Road at this time, since traffic levels are very low. During the design process, interchanges at the aforementioned locations will be considered if traffic increases substantially. Sonora Road is positioned too close to the Highway 412 interchange to develop an interchange at that location.

Response Comment 5: The proposed interchange at Highway 264 East has been relocated to Old Wire Road (Highway 265) in the SDEIS and FEIS.

City of Bethel Heights, dated May 1, 2002

CITY OF BETHEL HEIGHTS

530 Sunrise Drive Bethel Heights, AR. 72764 479-751-7481

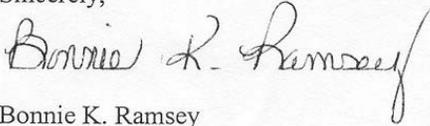
May 1, 2002

Ms. Brenda K. Price
Arkansas State Highway & Transportation Department
Environmental Division
P.O. Box 2261
Little Rock, Arkansas 72203-2261

Dear Ms. Price:

- #1 In response to the concern of numerous Bethel Heights residents, the City of Bethel Heights would like to go on record in our request to leave the 412 Bypass interchange east of Highway 264.
- #2 We also request a study to move the Bypass north of the latest purposed route. This route would give the City of Bethel Heights a large area of commercial development on Graham Road.

Sincerely,



Bonnie K. Ramsey
Mayor of Bethel Heights

Comment #1: Opposed relocation of interchange at Highway 264 to Old Wire Road.

Response: After the DEIS Location Public Hearing, Old Wire Road was adopted into the state highway system as an extension of Highway 265. Since Old Wire Road has more traffic than Highway 264, the Northwest Arkansas Regional Planning Commission supported the interchange being placed on Highway 265 to better serve traffic on this major arterial. Therefore, the decision was made to study this new interchange location in the SDEIS. The proposed interchange at Highway 264 East was studied at the Highway 265 (Old Wire Road) in the SDEIS and FEIS.

Comment #2: Requested study to move the bypass north of the latest purposed route.

Response: A northern alignment was developed and studied in the SDEIS and FEIS, and is the Preferred Line.

Northwest Arkansas Regional Planning Commission, dated April 15, 2002



P.O. BOX 745 • SPRINGDALE, ARKANSAS 72765-0745

(501) 751-7125

FAX (501) 751-7150

April 15, 2002

Northwest Arkansas MPO Comments on the 412 Northern Bypass:

#1

We are proposing that the interchange on State Highway 264 be moved to the Old Wire Road. The Major Investment Study that established the Northern Bypass Corridor also established a corridor to the east of Lowell and Rogers following the Old Wire Road. This Old Wire Road Corridor is on the Regional Long Range Plan (attached), and will link northeast Springdale with the eastern side of Rogers. This corridor is a northern extension of State Hwy 265, a facility that is planned to be four/five lanes from Hwy 16 in Fayetteville to its northern terminus in Springdale. An interchange is clearly needed where this 265/Old Wire corridor crosses the proposed Northern Bypass.

265/Old Wire Road Corridor

Hwy 265 is a major arterial facility carrying traffic from Hwy 16 in southeast Fayetteville to northern Springdale on the eastern side of the Urbanized Area. This is an extremely important route that according to the Regional Long Range Plan will eventually carry traffic from Fayetteville to Rogers. The intersection with the Springdale Northern Bypass is a key component of this long-range plan. This will be a major north-south facility intersecting with a major east-west facility. Clearly the majority of the traffic accessing or exiting the Northern Bypass at this interchange will have a north-south origin or destination.

Need for an East-West corridor

Traffic from Elkins, Goshen, east Fayetteville, and east Springdale with a destination of I-540 north of Springdale has to filter across the urbanized area at some point. There are currently no well-developed routes to accomplish this east to west access to I-540. The Northern Bypass will be a major east-west corridor and must be readily accessible to the primary north-south corridor on the east side of the Urbanized Area. This north-south corridor for the foreseeable future is the 265/Old Wire corridor. One of the principle reasons for the Northern Bypass is to relieve the internal east-west traffic in the region. Placing the interchange at the Old Wire Road will best accomplish this purpose. The State Hwy 264 interchange

PLANNING - MANAGEMENT - IMPELEMENTATION

a continuing process

alternative would require the north-south traffic to travel on approximately one mile of State Hwy 264 to exit or access the Northern Bypass. This will be most problematic for traffic with an origin or destination of the 265/Old Wire corridor traveling to or from the west on the Bypass.

Traffic Counts (see attached map)

2001 AHTD traffic counts show that there is more than three times as much traffic to the south of the Old Wire/264 intersection (10,000) than to the east of the intersection (3000). There is more than twice as much traffic on Hwy 264 to the west of the Old Wire intersection (6600) than to the east (3000). (See map) These higher traffic counts to the west and south imply that most of the traffic moving through the Old Wire/264 intersection is traveling to or from the south and traveling to or from the west. When the Bypass is complete and provides easy access to I-540, these traffic count patterns will only increase. A lot of the traffic traveling north on Old Wire turns west at Randall Wobbe in Springdale to access western destinations. When the Bypass is complete, much of this traffic will continue north to the Bypass to access western destinations. Of course the reverse will be true for return trips. This indeed is one of the purposes of the Bypass. The traffic counts, using today's numbers, clearly show that the interchange needs to provide access to the north-south Old Wire/265 corridor as opposed to the east-west Hwy 264. Future traffic patterns will only increase this need for north/south access to the new facility.

Springdale's Master Street Plan (attached)

Springdale's master street plan shows the 265/Old Wire corridor as a Principal Arterial all the way up to and beyond its northern city limit thus intersecting with the Northern Bypass. Springdale's master street plan shows Principle Arterials as five lane facilities. Even though the 265 designation ends at Emma Ave, the Springdale portion of the 265/ Old Wire corridor is a four-lane facility to the Randall Wobbe Road in Springdale. Future plans (unfunded) call for four/five lanes up to and beyond the Northern Bypass.

In terms of long range planning we are also recommending that consideration be given to extending the 265 State Highway designation to the Old Wire Road from Emma Avenue to at least the Northern Bypass and subsequently up the Old Wire corridor into Rogers.

Population Densities (see attached map)

Basic transportation zone modeling assumes greater traffic movement between areas of greater population both in terms of total population and densities. Clearly the bulk of the population lives to the north and south of the proposed interchange meaning that most traffic either accessing or exiting the Bypass will have an origin or destination to the north or south as opposed to the east or west. An interchange at the Old Wire Road will accommodate this north-south pattern. Beaver Lake is

to the east of the area so future population growth in that direction will be limited. The attached population density map shows this population pattern. This chart shows population counts in the four directions from the intersection of Old Wire Road and Hwy 264.

Directional Population Counts From the Old Wire Road/Hwy 264 Intersection
(From Census 2000)

Direction from Intersection	Population	Cities
South	104,000	Fayetteville/Springdale
North	44,000	Lowell/Rogers
West	3000	Bethel Heights/Springdale
East	3000	Springdale/Unincorporated

Economic Activity

Transportation modeling also demonstrates more traffic between zones of greater economic activity. In terms of new growth the north-south pattern is consistent with the population densities. This chart shows 2001 economic data from Transportation Analysis Zones that are within six miles and border the corridors that intersect at Old Wire and Hwy 264. Again, the analysis suggests the need for north-south access to the new east-west facility.

Directional Economic Activity From the Old Wire Road/Hwy 264 Intersection
(From 2001 Building Permits)

Direction from Intersection	2001 added dwelling units permitted	2001 total commercial value permitted
South	519	\$5,859,275
North	240	\$2,503,213
West	112	\$530,857
East	2	\$60,000

Old Wire Road as the Historic Butterfield Coach Trail

#2

The Old Wire Road is the route of the historic Butterfield Coach Trail, which should be considered for an Historic Auto Tour designation. The Northwest Arkansas MPO has a tentative plan to make the Butterfield Coach Road the backbone of a regional trail system. The grade separation facility needs to leave room for five lanes of traffic and a multi-use trail.

Summary

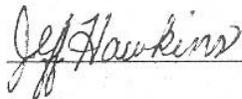
Simply put, the vast majority of the traffic either exiting or accessing the Northern Bypass will be coming from or going to an origin or destination to the north or south of the facility with a current emphasis to the south. Traffic coming from or going to the west of the interchange can be just as well served with the interchange on 71B. This means the primary beneficiaries of an interchange at Hwy 264 would be the residents to the east of the interchange. That is the direction of the lowest traffic counts, the lowest population, and the least economic activity. We hope that this brief study demonstrates that the greatest number of citizens will be served best by an interchange at the Old Wire Road as opposed to the Hwy 264 location.

Other Comments:

- #3 A grade separation should be provided at Wagon Wheel Road. Wagon Wheel accesses I-540, and with a 4-5 block extension from its current eastern terminus, would connect with Hwy 264, thus creating a local east-west thru street.
- #4 Attachment A hereto is an alternative alignment for the Callahan Mountain area. Submitted by a potentially impacted neighborhood group, the route would go north of the mountain. As with other comments and suggestions received during the hearing process, please give the suggestion thorough consideration.

In conclusion, we appreciate the opportunity to comment, as well as the opportunity to have been involved in the planning of this much needed facility. AHTD staff has worked very diligently and competently on this document, and toward making this project a reality. We appreciate the effort, and look forward to working with AHTD as we try to address transportation needs in rapidly growing Northwest Arkansas.

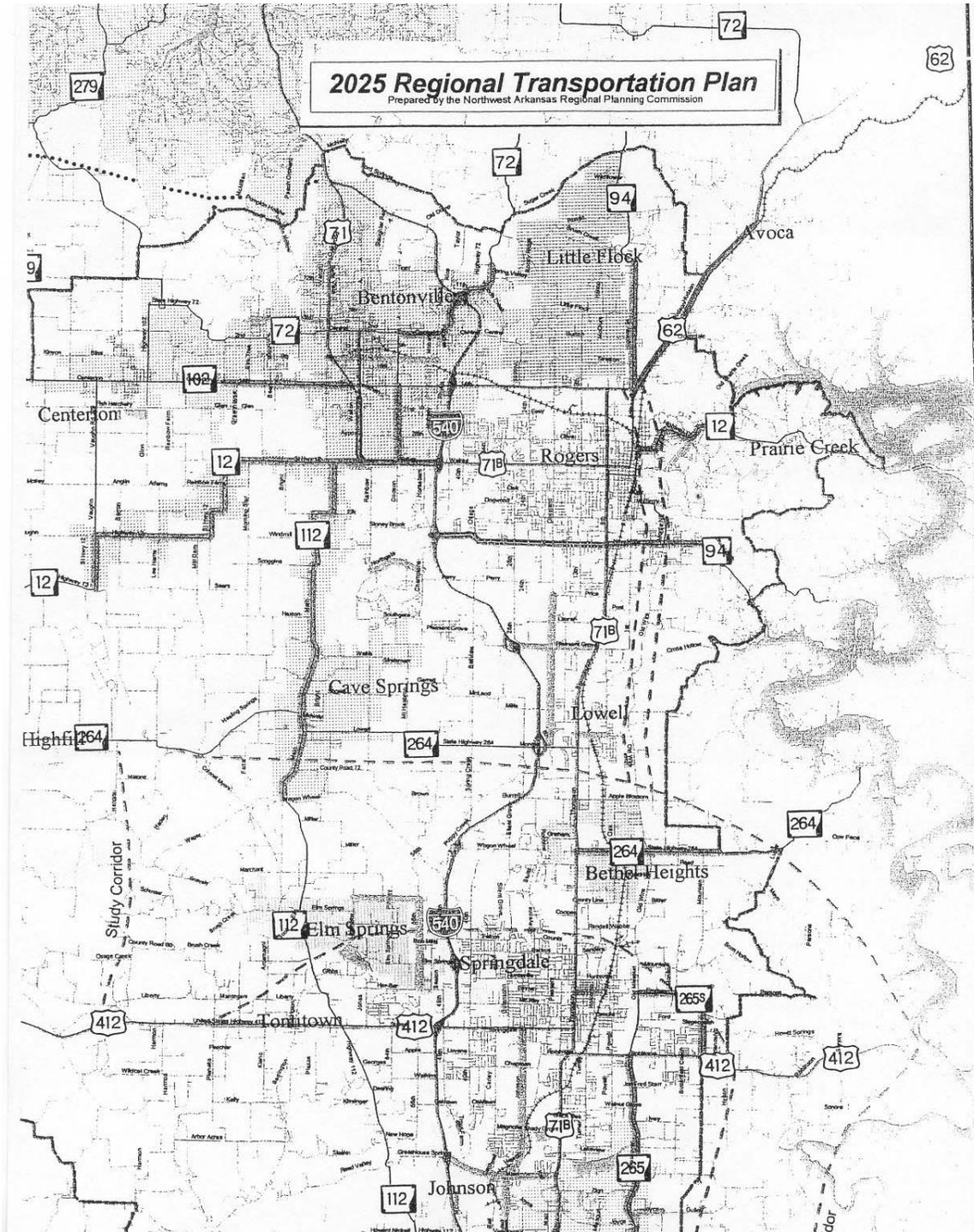
Sincerely,

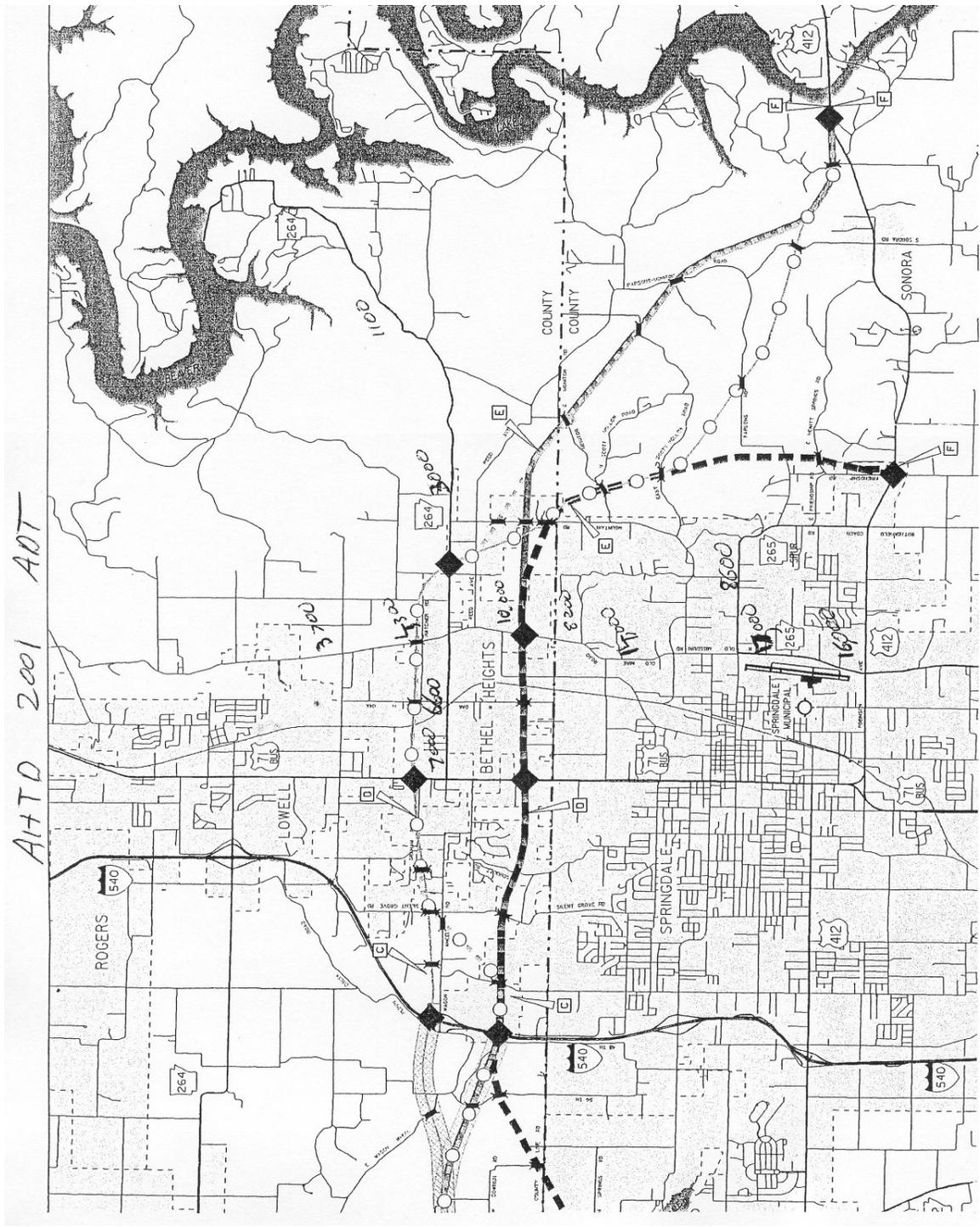


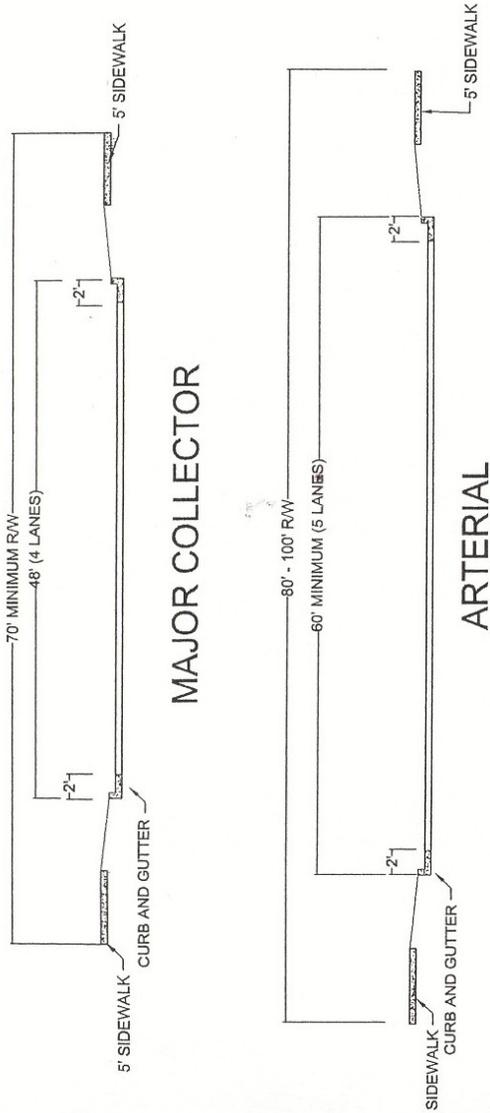
Jeff Hawkins, Executive Director



John McLarty, Study Director







Springdale Master Street Plan

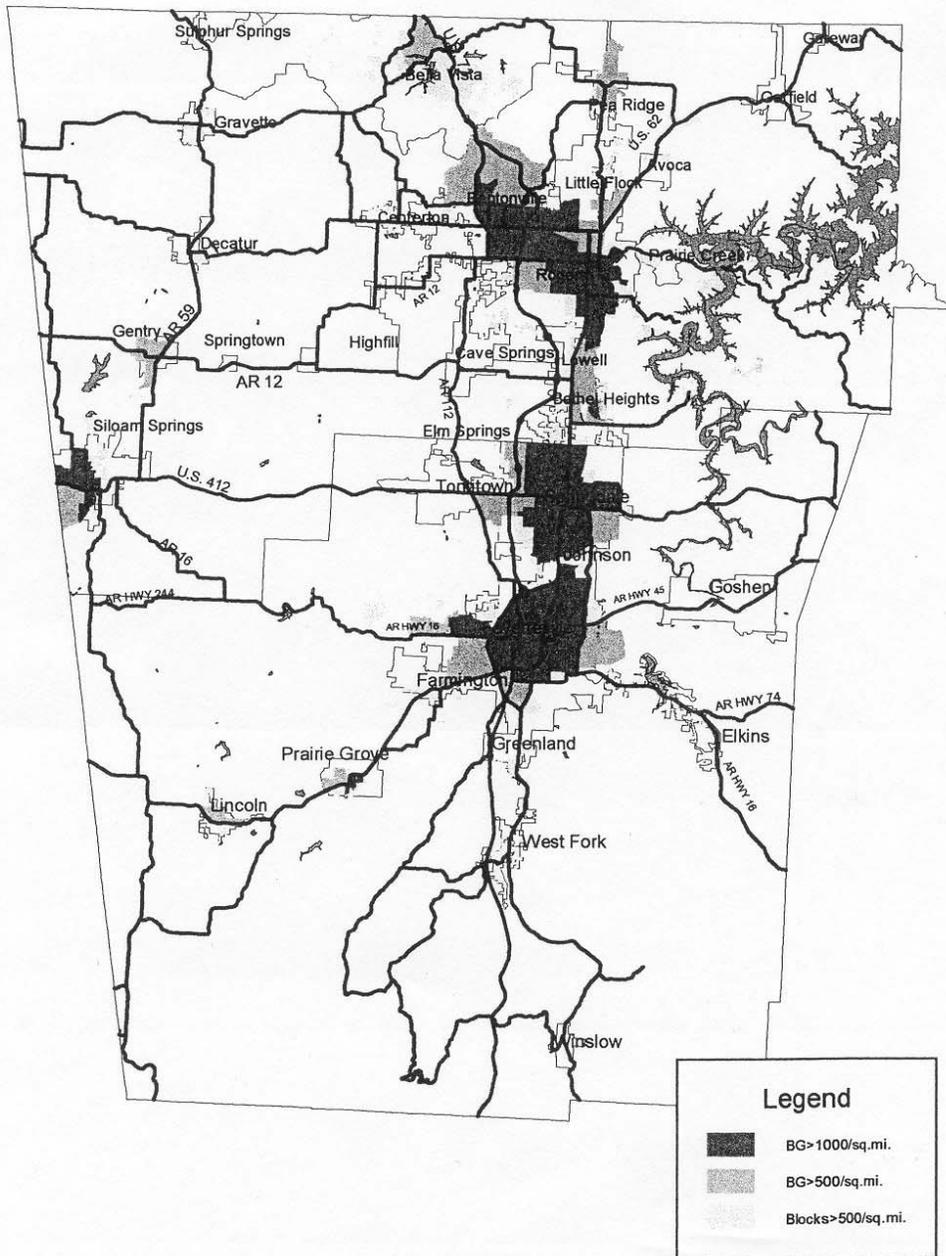
The Master Street Plan identifies and classifies the streets designed to carry traffic throughout the City. The plan is the City's OFFICIAL STATEMENT of meeting transportation goals, determining improvements of existing streets and indicating where future streets should be. The plan is used to establish priorities for street improvements and to coordinate the development of new streets. It in no way establishes the centerline of future streets but merely indicates the need for traffic flow in the area. Centerlines for new street construction will be determined through development and engineering practices as development occurs and capital improvement projects are undertaken.

Sheet No. 1 of 2

Mayor

Clerk

Northwest Arkansas Population Density by Census 2000



Comment #1: Requests relocation of interchange at Highway 264 to Old Wire Road (Highway 265)

Response: The bypass interchange was moved from Hwy 264 to Old Wire Road (Highway 265) in the SDEIS and FEIS.

Comment #2: Requests consideration for Historic Butterfield Coach Trail

Response: The cultural resources for Old Wire Road are addressed in Sections 3.3.14.2.4 and 4.3.12.5.4. Addressing tentative plans for a regional trails system is beyond the scope of this study. The grade separation utilized at Old Wire Road will be based on the current and projected traffic for Highway 265 when the design is completed. For the purposes of this study, a five-lane cross-section was included in the study between Highway 264 and the bypass so that the potential impacts studied were maximized.

Comment #3: Requests grade separation for Wagon Wheel Road

Response: A grade separation was planned in the SDEIS for those alignments crossing Wagon Wheel Road.

Comment #4: Requests consideration of an alternate route north of Callahan Mountain

Response: An additional line, Line 5, was developed and studied in the SDEIS and FEIS. This line was chosen as the Preferred Line for the Springdale Northern Bypass in the FEIS.

Northwest Arkansas Regional Airport (NWARA), dated April 8, 2002



Board of Directors:

Chairman

Stan Green

April 8, 2002

Vice-Chairman

Phil Phillips, Jr.

Brenda K. Price
 Arkansas Highway and Transportation Department
 Environmental Division
 Post Office Box 2261
 Little Rock, Arkansas 72202

Secretary

Art Morris

Treasurer

James Irwin

Toni Black

Joe Chappelle

Bill Foreman

Dick Latta

Virginia Mociwnik

Mike Moss

Don Nelms

Bill Schwyhart

Burton Stacy

Philip Taldo

Legal Counsel

John Elrod

Airport Director

Kelly L. Johnson, A.A.E.

Assistant Airport Director

Mark H. Mellinger

Director of Finance

Terry L. Franklin

Executive Director and CEO

Scott Van Laningham

Dear Ms. Price:

The Board of Directors of the Northwest Arkansas Regional Airport Authority, meeting in regular session on Friday, April 5, 2002, adopted the enclosed resolution in support of the U.S. Highway 412 Springdale Northern Bypass.

Please consider Resolution 2002-01 as the Authority's official comment to the Draft Environmental Impact Statement for the project.

Sincerely,

A handwritten signature in black ink that reads "Scott Van Laningham".

Scott Van Laningham
 Executive Director and CEO

cc: Commissioner Jonathan Barnett
 Director Dan Flowers

RECEIVED
 AH T.D.
 APR 16 2002
 ENVIRONMENTAL
 DIVISION

Alice L. Walton Terminal Bldg.
 One Airport Boulevard • Suite 100 • Bentonville, AR 72712
 Phone: 501-205-1000 • Fax: 501-205-1001

**A Resolution
2002-01**

**A RESOLUTION IN SUPPORT OF THE U.S. HIGHWAY 412
SPRINGDALE NORTHERN BYPASS.**

WHEREAS, the Arkansas State Highway and Transportation Department has completed the Draft Environmental Impact Statement for the U.S. Highway 412 Springdale Northern Bypass; and

WHEREAS, the Northwest Arkansas Regional Airport Authority is preparing a Draft Environmental Impact Statement for an intermodal access road to the regional airport; and

WHEREAS, the Highway Department and the Airport Authority have closely coordinated the two projects and have investigated the possibility of shared roadway sections for the two projects; and

WHEREAS, such shared roadways would reduce costs and lessen impacts to the region caused by road construction and operation; and

WHEREAS, such shared roadways would reduce the cumulative impacts associated with the development of either road; and

WHEREAS, the preferred alignment selected for the Springdale Northern Bypass is consistent with the alternatives under consideration for the airport access road for that section from Interstate 540 west toward the regional airport; and

WHEREAS, construction of the Springdale Northern Bypass and the airport access road will significantly improve the safe and efficient movement of traffic in Northwest Arkansas in general, and to and from the regional airport in particular; and

WHEREAS, construction of the Springdale Northern Bypass and the airport access road is essential to the continued economic prosperity of the region.

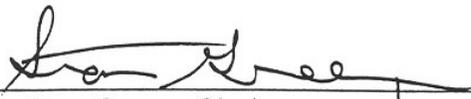
NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Northwest Arkansas Regional Airport Authority does hereby:

Endorse and support construction of the U.S. Highway 412 Springdale Northern Bypass; and

Encourage the Arkansas State Highway and Transportation Department and the Federal Highway Administration to move forward with the project and the preferred alignment consistent with the airport access road; and

Pledge the Airport Authority's continued cooperation and coordination in the development of the airport access road and the Springdale Northern Bypass.

Passed and approved this 5th day of April, 2002.

BY: 
Stan Green, Chairman

ATTEST: 
Art Morris, Secretary

Comment: Resolution supporting construction of DEIS preferred alignment.

Response: Comment noted.

Ozark Regional Transit, email February 28, 2002

Page 1 of 1

From: Philip Pumphrey [ppumphrey@ozark.org]
Sent: Thursday, February 28, 2002 9:41 AM
To: Job - 040266 Springdale Northern Bypass
Subject: comments on EIS

No comments on the proposed Springdale Northern Bypass in relation to Transit.
Thanks,

Philip O. Pumphrey, General Manager
Ozark Regional Transit
2423 East Robinson Avenue
Springdale, Arkansas 72764
479-756-9109 extension 247,
Fax 479.756.2901

Response: Comment noted.

7.1.3 Response to Public Comments on the DEIS

The following comments were submitted by the public as a result of the DEIS Location Public Hearings. Public comments were too numerous to include individually in the FEIS. Synopses of similar comments are addressed directly or changes relating to these comments incorporated within the FEIS. Some of the comments were combined and/or paraphrased to simplify the comment and response process. Each comment or question is followed by a response.

Comment Number 1: The preferred alignment needs to have interchanges added at Parsons Road, Monitor Road, and Brush Creek Road.

Response: No interchanges are planned for the proposed bypass at Monitor Road, Parson-Monitor Road, or Brush Creek Road at this time, since traffic levels are very low. During the design process, interchanges at Parsons Road and Monitor Road will be considered if traffic increases substantially.

Comment Number 2: There needs to be an interchange on Silent Grove Road. This is a well-traveled road and an interchange would be beneficial to the public.

Response: No local access will be feasible at Silent Grove Road since the directional interchange for the Preferred Line and I-540 is located in the immediate vicinity. The interchange of the Preferred Line and I-540 will sever the connection between Silent Grove Road, West Apple Blossom Avenue, and Goad Springs Road. A grade separation is proposed for North Graham Road to provide access between Wagon Wheel Road and West Apple Blossom Avenue. During the design phase of the process, retaining the connection between Silent Grove Road and West Apple Blossom Avenue will be evaluated.

Comment Number 3: The interchange on Highway 264 should be moved to Old Wire Road/Hatcher to provide better flow for trucks out of the Springdale industrial park.

We understand there is pressure on AHTD to move the interchange from the crossing at Hwy 264 to where the bypass would cross Old Wire Road. We strongly recommend that the

interchange not be moved from Highway 264 to Old Wire Road because Old Wire Road is not equipped to handle increased truck and other traffic due to the interchange.

Residents in Quail Meadows Subdivision oppose moving the Interchange on Highway 264 to Old Wire Road (Highway 265). Concerns include increasing traffic on a road not designed or constructed for it, noise, traffic hazards to children, decreasing property values.

Response: After the DEIS Location Public Hearing, Old Wire Road was adopted into the state highway system as an extension of Highway 265. Since Old Wire Road has more traffic than Highway 264, the Northwest Arkansas Regional Planning Commission supported the interchange being placed on Highway 265 to better serve traffic on this major arterial. Therefore, the decision was made to study this new interchange location in the SDEIS, along with the secondary impacts that will occur as a result of widening the portion of Highway 265 (Old Wire Road) between the Preferred Line and Highway 264.

Comment Number 4: I have been told that Wagon Wheel Road is going to be made into a 5-lane highway. Why do you need this many lanes of traffic only approximately 1000 yards parallel to each other?

Response: Line 3 in the DEIS and SDEIS was located parallel to Wagon Wheel Road, however, it was not chosen as the Preferred Line in the FEIS. Wagon Wheel Road is a local road under the jurisdiction of the City of Springdale. Proposed improvements to Wagon Wheel Road are beyond the scope of this document.

Comment Number 5: We were never disclosed the information about the new 412 bypass possibly coming through our neighborhood when we bought our house a year ago. Both the contractor and our real estate agent did not disclose the information (Eagle Crest Subdivision).

Why aren't there proposed routes on file in local cities/courthouses and individuals notified when building permits are issued? The contractor and real estate agent did not disclose this information.

Response: Non-disclosure by contractors or real estate agents is under the purview of the Arkansas Real Estate Commission. Several opportunities were offered to the public to view and comment on the proposed routes for the bypass (See Section 6, Coordination and Public Involvement) by AHTD. Maps of the routes were routinely provided to local cities and counties for their use and public availability.

Comment Number 6: I think the (DEIS) preferred route (Lines 3 & 4) and the alternative routes need to be re-thought to a lesser-populated area. There has to be a better route that will not affect so many people and housing.

Response: As discussed in the Purpose and Need Section, Benton and Washington Counties are two of the fastest growing counties in Arkansas. Towns and cities within this area are experiencing explosive growth. The need to balance sufficient transportation capacity for the growing population of the area with displacement of residents led, in part, to the addition of Line 5 as a prudent and reasonable alternative to be studied in the SDEIS. This alignment is located further north than the other alignments and lessens the impacts to established neighborhoods.

Comment Number 7: Are you going to provide a means for cattle, tractors, etc. to get from one side of the highway to the other side when the highway cuts a farm in half?

Response: Issues dealing with property severance will be dealt with during the design and right-of-way acquisition phase of the process. Financial compensation will be considered if property severance occurs.

Comment Number 8: The (DEIS) preferred line (Line 3/4) would cut off some residences north of Graham Road to quicker access of emergency response.

Safety issues such as quicker access by child abductors to neighborhoods posed by the bypass have not been addressed.

Response: Line 3/4 is not the FEIS Preferred Line. However, safety issues such as emergency response time and improved access to neighborhoods are mitigated by including grade separations to reconnect streets and neighborhoods. North Graham Road and

Highway 71B will both be provided with grade separations for use by local traffic and emergency response vehicles. Access to the facility will be controlled and can only occur at local access interchanges. This would limit the ready use of the proposed facility by child abductors. Other possible options, such as fencing, will be considered in the design phase of the process.

Comment Number 9: I am concerned that the City of Springdale will annex the land between the 412 Bypass and Wagon Wheel Road and rezone it for commercial use. It would become difficult to sell our homes in Windsor Subdivision without taking a substantial loss if this were to happen.

Response: Local annexation and rezoning by cities is beyond the scope of this document.

Comment Number 10: I am disappointed that little research data has been compiled concerning the impact of the 412 Bypass upon small businesses.

Response: Potential beneficial and adverse impacts to businesses are discussed in the Environmental Consequences section in the DEIS, SDEIS and FEIS.

Comment Number 11: Submission of a new alignment for consideration north of Callahan Mountain dubbed "the orange route."

Response: This alignment was studied, determined reasonable and feasible, and evaluated in the SDEIS. It has been carried into the FEIS as the Preferred Line.

Comment Number 12: Submission of a new alignment for consideration that followed DEIS Line 2/4 from Highway 112 to an interchange with I-540, merge with I-540 to proceed northward, then pass through another I-540 interchange and proceed eastward along the location of SDEIS Line 5. This was given the name the "the split alignment."

Response: A determination was made that this route was not feasible based on current accepted engineering design principles related to future traffic volumes, overlapping routes, route continuity and weaving movements.

Comment Number 13: A highway should not be built across a commercially operated rock quarry.

Response: Comment noted.

Comment Number 14: Suggested moving the Highway 71B interchange approximately 300 feet to the north and/or moving the on-off ramps to the north side of the road to reduce business relocations.

Response: Comment noted. During the design phase of the projects, further efforts will be made to minimize impacts and costs relating to the Highway 71B interchange.

Comment Number 15: Include a multi-use utility road along all or scenic/historical sections.

Response: Comment noted. The construction of frontage roads along the proposed bypass is not included in this environmental study. A commitment to the USFWS in Section 7.2.1 prohibits the FHWA or AHTD from participating in frontage road construction between Highway 112 and I-540 except for special circumstances detailed in the USFWS correspondence earlier in this section.

Comment Number 16: Opposition to (DEIS) Preferred Alignment due to impacts on subdivisions, homes, community, noise impacts.

Response: Comments noted. After additional study and preparation of a SDEIS, the DEIS Preferred Alignment is no longer the Preferred Alignment.

Comment Number 17: Opposed to Line 1.

Response: Comment Noted.

Comment Number 18: Opposed to Line 2.

Response: Comment Noted.

Comment Number 19: Opposed to Line 3.

Response: Comment Noted.

Comment Number 20: Opposed to Line 4.

Response: Comment Noted.

Comment Number 21: Support (DEIS) Preferred Alignment

Response: Comments noted.

Comment Number 22: Support Line 3

Response: Comments noted.

Comment Number 23: Support Line 4

Response: Comments noted.

Comment Number 24: Support Line 2

Response: Comments noted.

Comment Number 25: Support Line 1.

Response: Comments noted.

Comment Number 26: Use cloverleaf interchanges. They are safer, traffic flows better, and there is less pollution.

Response: The interchange configuration will be designed according to the traffic volumes predicted moving through the interchange. Cloverleaf interchanges are not appropriate for all situations.

Comment Number 27: The (DEIS) Preferred Route does not leave Springdale with suitable room for expansion on the east side.

Response: Line 3 was the Preferred Line through Segment E-F in the DEIS. Since Line 3 and Line 2/4 were similar in impacts, the recommended alignment through this segment has

been changed to Line 2/4 based on the City of Springdale's request. This alignment is located further to the northeast.

Comment Number 28: Will Callahan Mountain Road be widened to accommodate the grade separation planned there?

Response: The FEIS Preferred Line does not affect Callahan Mountain Road, therefore no changes will occur associated with this project.

Comment Number 29: Can the bypass be cut into Callahan Mountain to lessen noise impacts to surrounding neighborhoods?

Response: The FEIS Preferred Line will not cut across Callahan Mountain.

Comment Number 30: If there is an interchange at Primrose and Highway 264, what kind of noise control do you plan for people living in the area?

Response: No interchange is planned for the Primrose/Highway 264 area. See Section 4.1.3. of the FEIS for further information related to noise mitigation.

Comment Number 31: Don't go through the city of Elm Springs if it can be routed around.

Response: The FEIS Preferred Line currently skirts the western edge of Elm Springs.

Comment Number 32: Opposed to construction of proposed bypass.

Response: Comment noted. The Purpose and Need Section of the FEIS demonstrates the overall need for the project.

Comment Number 33: Opposition to proposed "Orange Route." (Northern Route).

Response: The "Orange Route" (SDEIS Line 5) was submitted during the DEIS Location Public Hearing process. It was evaluated and found to be a reasonable and feasible alternative. Therefore, as required by the National Environmental Policy Act, a SDEIS was completed to compare this alignment to the alignments previously studied in the DEIS. This alignment is the Preferred Line in the FEIS.

Comment Number 34: Avoid Brush Creek Subdivision, move alignment away.

Response: Brush Creek Subdivision was impacted by the interchange with existing Highway 412. By modifying the interchange design and making adjustments in the alignment, residential relocations in Segment A/B could be reduced by 13. These changes were evaluated and documented in the FEIS.

Comment Number 35: Hurry up and make a decision!

Response: Comment noted.

Comment Number 36: How is the (DEIS) Preferred Route going to improve safety, minimize traffic through the city, and help congestion in commercial areas and Springdale?

Response: Information that answers this question is documented in the Purpose and Need Section of the DEIS.

Comment Number 37: How are you going to avoid undesirable topography by going through the only mountain in Springdale?

Response: The FEIS Preferred Line will not cut through Callahan Mountain.

Comment Number 38: Why is the preferred route the most expensive?

Response: Although projected construction costs are an important factor, they are not the final decision-making factor in the process.

Comment Number 39: How can the (DEIS) Preferred Route lessen impacts when it relocates the most people?

Response: The DEIS Preferred Line did not have the most relocations. Review of the Impact Summary Table S-1 illustrates that of the five alignments documented, only Line 3 had fewer relocations than the Preferred Line. Impact areas other than relocations also weigh into the decision-making process when recommending an alignment for construction.

Comment Number 40: Recommended building an elevated highway over existing Highway 412.

Response: This alternative was evaluated and documented in Section 2.3.4.2 of the SDEIS.

Comment Number 41: Move (DEIS) Preferred Alignment away from Eagle Crest onto cheaper property with ugly, run down properties.

Response: The FEIS Preferred Line will not impact Eagle Crest Subdivision.

Comment Number 42: Move the (DEIS) Preferred Alignment crossing of Highway 265 at least 0.5 miles to the east, near or east of Mountain Road, then follow the route of DEIS Line 2/4 southeast.

Response: The evaluation of this proposed realignment showed that moving the alignment would impact more residences located near Reed Avenue, Cloer Lane, and Katie Lane than the alignment studied in the DEIS.

Comment Number 43: The (DEIS) Preferred Route will take a spring that we use as a water source, making it economically unfeasible to continue operating our business.

Response: The Preferred Alignment was shifted to the south in this area and avoids the spring. If the spring recharge area were to be impacted by construction of the bypass, Section 4.3.6 of the FEIS contains commitments related to restoration of water sources.

Comment Number 44: My business was impacted by road severance during the construction of I-540. I have purchased property at Graham and Robins Roads to relocate this business, and now it will be impacted similarly by the (DEIS) Preferred Alignment. Can this alignment be moved to avoid this impact?

Response: The FEIS Preferred Line does not impact this location.

Comment Number 45: Please relocate the I-540 Interchange for the (DEIS) Preferred Alignment. It impacts too many homes, a business, and a church, as well as the country serenity.

Response: This area will not be impacted by the FEIS Preferred Line.

Comment Number 46: If the (DEIS) Preferred Line is chosen, I recommend a service road be built so there will be access to the balance of the Blevins property on the northwest corner of the Highway 71B interchange.

Response: If it is less expensive to build access to the property than purchase it, this request will be taken into consideration during the design phase and right-of-way acquisition phases of the project.

Comment Number 47: Concerns with impacts to personal property

Response: Comment noted.

Comment Number 48: My property is located at the southwest corner of Reed and Mountain Roads. I don't want Reed blocked off going to Old Wire Road. Please consider an overpass at this location.

Response: Currently, a grade separation is planned for Highway 264, approximately 0.2 miles to the north of Reed Road. During the design phase, this request will be taken under consideration.

Comment Number 49: I am concerned with drainage for my property. Please address drainage.

Response: Local drainage issues will be addressed during the design phase of the process. Any concerns over drainage can be discussed at the Design Public Hearing.

Comment Number 50: Please consider moving alignment in the area of Reed Road a little southwest onto pastureland to avoid my house and property.

Response: During the design phase, this request will be taken into consideration.

Comment Number 51: Move NWARA Access Road interchange to west to avoid impacting the Northwest Arkansas Pallet, Inc. buildings and truck parking.

Response: Although moving the interchange to the west isn't feasible, the alignment of the bypass was shifted slightly to the north in this area. This shift should lessen the impacts to this business and property.

Comment Number 52: Shift (DEIS) Preferred Alignment further north to closely parallel Miller Road and lessen severance impacts to local property owners.

Response: The alignment was shifted north closer to Miller Road to lessen these impacts.

Comment Number 53: Go further north and miss 2000 acres of family property on Parsons Road.

Response: The Preferred Line Segment was changed in this area to Line 2/4, further northeast.

Comment Number 54: Opposition to closing Graham Road because of access problems during winter weather. Request (DEIS) Preferred Alignment be moved just south of Graham Road.

Response: Graham Road will not be severed by the FEIS Preferred Line. A grade separation is proposed to reconnect the street.

Comment Number 55: The Preferred Line severs my 155 acre farm, located at 20697 Perry Road, removing my largest hay field and the only spring fed pond. It will also cut off the water line and the primary access to my son's house. Consider straightening the alignment to lessen the impacts to my property.

Response: This request will be evaluated during the design and right-of-way acquisition process.

Comment Number 56: Homes will be damaged by blasting Callahan Mountain.

Response: The FEIS Preferred Line does not cut across Callahan Mountain.

Comment Number 57: The Preferred Alignment will make the homes in the dense residential areas next to the highway virtually "unsellable." Property next to the highway

that cannot be sold will later be rezoned due to hardship, bring unwanted businesses, apartments and the like into an area that is currently zoned residential.

Response: Comment noted. The zoning process is under the control of the city.

Comment Number 58: Concern with impacts to Monitor Valley, including severance impacts to a 150-year old neighborhood, over 150 families and 300 residents, the Jasper Cave System, five major springs that service numerous valley residents, archeological and historic sites associated with the Civil War and Cherokee villages, and old growth timber.

Response: The FEIS Preferred Line will not impact Monitor Valley.

Comment Number 59: Concern for impacts to family homestead on Monitor Road, including severance of property, property access issues, loss of home, increasing right-of-way costs for project.

Response: This property will not be impacted by the FEIS Preferred Line.

7.2 SDEIS AGENCY COMMENTS

The USACE and USFWS, as cooperating agencies, reviewed and commented on a draft copy of the SDEIS. The comments received as a result of that review are included in Appendix O of the DEIS and within Section 7.2.1 of the FEIS.

7.2.1 Response to SDEIS Agency Comments

A copy of the Agency comment letter on the SDEIS is followed by responses to the comments contained in the letter. Each letter is numbered to correspond with the appropriate comment. Where no response is warranted, a copy of the comment letter is included for informational purposes.

The USDOJ comment letter resulted in additional coordination with the US Fish and Wildlife Service (USFWS) to provide additional information and address the concerns contained in the USDOJ letter. Additional correspondence is included from USFWS and FHWA that outlines commitments for this project that address the original concerns expressed in the USDOJ SDEIS comment letter.

Department of the Army, Little Rock District, Corps of Engineers, April 29, 2004

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867Planning, Environmental and Regulatory Division
Regulatory Branch

APR 29 2004

FILE NO. 13685-4

Mr. Marion Butler
Division Head, Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, Arkansas 72203-2261

Dear Mr. Butler:

Please reference the Supplemental Draft Environmental Impact Statement (EIS) for the Springdale Northern Bypass, Docket No. FHWA-AR-EIS-01-01-d.

The Supplemental Draft EIS outlines a study on four (4) different alternative alignments for the proposed highway project. The study indicates that no jurisdictional wetlands have been identified along any of the alignments. However, the study did indicate that each alignment would cross numerous streams that are considered to be waters of the United States (waters).

The discharge of fill material associated with constructing a highway crossing of these waters requires authorization pursuant to Section 404 of the Clean Water Act. A preliminary inspection revealed that the discharge for each crossing might be authorized by Department of the Army Nationwide Permit No. 14, provided that all its conditions are met. When a preferred alignment is selected and detailed plans are finalized for all its crossings, please submit a copy to our Regulatory Branch for a final permit determination.

We appreciate your cooperation in the Regulatory Program. The evaluation of your project will be given high priority and all procedures will be expedited to the fullest extent possible. If you have any questions, please contact the Transportation Program Manager, Mr. Larry Harrison of the Regulatory Branch, at (501) 324-5296 for this action, and refer to File No. 13685-4.

Sincerely,

A handwritten signature in cursive script that reads "Jerry L. Harris".

Jerry L. Harris, P.E.
Chief, Regulatory BranchCERTIFIED MAIL - RETURN RECEIPT REQUESTED**Response:** Comment noted.

United States Department of the Interior, July 23, 2004



ER-04/0401

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



JUL 23 2004

Ms. Sandra L. Otto
Division Administrator
Federal Highway Administration
70 West Capitol Avenue, Room 3130
Little Rock, Arkansas 72201

Dear Ms. Otto:

As requested, the Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for U.S. 412, Springdale Northern Bypass, Benton and Washington Counties, Arkansas. This is a supplemental draft of an Environmental Impact Statement (EIS) prepared and released in 2002, which was reviewed by the Department. A letter was sent to your office on April 3, 2002, providing our comments on the original draft EIS. The Department offers the following comments for your consideration.

Section 4(f) Comments

- #1 The Department notes that there is no formal evaluation of potential impacts to resources that would be eligible for consideration under Section 4(f) of the Department of Transportation Act. Our comments on this supplemental draft mirror those we provided on the original draft EIS, which stated:

This draft EIS does not present enough information to make a determination whether this project will result in impacts to 4(f) properties. Therefore, the Department cannot evaluate whether the Federal Highway Administration (FHWA) has demonstrated that there are no feasible and prudent alternatives to the preferred alternative, or whether all possible planning needed to minimize harm to resources has been employed. (Department letter of 4/3/2002)

- #2 The supplemental draft mentions that there are no public park or recreational areas or refuges that will be affected by the proposed alternatives for the Springdale Northern Bypass (project), but we note the Trail of Tears National Historic Trail (Trail of Tears) will be crossed by all alternatives. The supplemental draft does not mention whether there are any publicly owned portions of the trail in the project area, making them eligible for consideration under Section 4(f).

There are 12 historic properties that have been determined to be eligible for the National Register of Historic Places. Eight of these historic properties were previously discussed in the original draft EIS, and four properties are added in this supplemental draft. These added sites include the Spring Creek Church (structure B), a craftsman-style bungalow (structure C), a craftsman-influenced duplex (structure U), and Fishback School (property WA0359). Two of these new properties (Spring Creek Church and Fishback School) are reported to be outside the project

study area, leaving two new eligible properties (structures C and U), as well as three other structures (property BE0905 and structures B and H) that were previously determined eligible, within the project area.

According to the text in Chapter 4 of the supplemental draft EIS (pages 4-67 and 4-69), none of these eligible properties will be directly impacted by the project. However, table 4-19 on page 4-66 indicates that each of these eligible properties will be impacted indirectly by one or more of the alternative segments. The impact to a Section 4(f) property does not have to be a direct impact; secondary impacts may be considered in determining the Section 4(f) use of these properties. The regulations at 23 CFR 771.135(p) state:

Constructive use occurs when the transportation project does not incorporate land from a section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features or attributes of the resource are substantially diminished.

There is simply not enough information in the supplemental draft EIS to allow the Department to make an evaluation on impacts to Section 4(f) properties. If there are indirect impacts to these eligible properties, the nature of these impacts need to be disclosed to allow the Department to understand the severity of the impacts. We note no correspondence has been included in this supplemental draft EIS that indicates any consultation with the State Historic Preservation Officer (SHPO) has been conducted beyond the concurrence with eligibility for individual properties.

General Comments

The Arkansas Highway and Transportation Department (AHTD) has done an excellent job of incorporating our concerns and comments about the project into the draft EIS. The Department would like to take this opportunity to highlight some unresolved concerns. The U.S. Fish and Wildlife Service (FWS) remains concerned about possible secondary and cumulative impacts to the quality and quantity of water in cave ecosystems, particularly those that support the Ozark cavefish, *Amblyopsis rosae*; unmitigated impacts to wetlands and other aquatic habitats; and, potential impacts to migratory birds.

#1 Based on the currently available information, the Department recommends Alternative 5, be eliminated from further consideration at this time, and that analysis of at least one other alternative be held in abeyance pending anticipated new information (discussed below).

Threatened Species

The Ozark cavefish is listed as threatened under the Endangered Species Act. Urban and suburban developments, which impair the quality and quantity of water in the cave habitats the fish depend on, are believed to be the biggest threat to this fish. The project has the potential, if

it includes on/off ramps, to foster secondary or cumulative impacts that are adverse to cave ecosystems. The FWS is concerned that some of the alternative alignments under consideration could foster development that adversely affects caves that support the Ozark cavefish.

- #2 We anticipate at least two new sources of information about cave resources that will be developed before the administrative record for the proposed bypass is closed. The new information may have a bearing on the analyses and mitigation that should be included in the final EIS and biological assessment.

At least one survey of a known cave system is incomplete. A cave system near Beaver Lake that has the potential to support the Ozark cavefish was only recently explored. The divers report that visibility was too low to conduct surveys. Another attempt will be made when water levels in the lake subside. The status of this survey is relevant since this specific cave habitat would be affected by the eastern-most alignments of the project connectors to Highway 412.

In addition, local knowledge about cave systems may be presented for consideration during the upcoming public hearings and meetings. Presumably, this would include information currently unknown to us.

- #3 Of the alternative alignments presented in the draft EIS, Alternative 5, the northern-most, appears to have the highest potential to adversely impact the Cave Springs recharge area and other fish and wildlife resources. The northern alignment area is very important to the Cave Springs system, which supports the largest known population of Ozark cavefish. The alternative alignment is approximately two miles outside of the recharge area, but the potential for secondary and cumulative effects through highway-related sprawl development in such a rapidly growing area of the State is quite high.

The Northwest Arkansas Regional Airport is also proposing to construct an access road corridor to connect with the project. The selected project alignment would determine the corridor alignment for the airport access road. This likelihood adds to our secondary or cumulative impact concerns for Cave Springs recharge quality and quantity.

Wetlands

- #4 The proposed action does not mitigate all of the likely adverse impacts to wetland and other aquatic ecosystem functions and values. Further, it does not appear that the AHTD has a mitigation option available in the target ecoregion. This concern holds both for wetlands regulated under Section 404 of the Clean Water Act by the U.S. Army Corps of Engineers, as well as for those wetlands not regulated by that Agency. We strongly recommend the potential impacts and mitigation options for all aquatic habitats to be identified, as appropriate, in the final EIS.

Migratory Birds

- #5 Numerous species of migratory birds protected under the Migratory Bird Treaty Act are located in the area and may be nesting on bridges, in trees, or on other structures. We recommend all contracts and work that include vegetation clearing or other construction include timing and duration provisions to avoid disturbance of nesting birds, and the destruction of active nests to the extent practicable. Bird surveys and other appropriate measures should be implemented to avoid impacts to these species.

National Park Units

- #6 The Department again notes the project has the potential to impact a portion of the Trail of Tears. Two letters were sent to the NPS Long Distance Trails Group (Trails Group) in Santa Fe, New Mexico requesting any information that may be pertinent to this project. Since the FHWA has yet to designate a preferred alternative, the Department requests that the Long Distance Trails Group be notified at the earliest time when a preferred alternative is identified. That office will be more able to assist with your planning when more information is known.

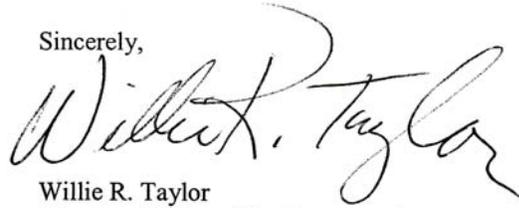
Conclusion

- #7 The Department expects a Section 4(f) evaluation will be prepared, if warranted, once the full impacts are known and consultation with the SHPO and the NPS has concluded. We believe some alternative alignments may adversely affect the water quality and quantity in caves that are aquatic resources of national importance, including habitat for the protected Ozark cavefish. We recommend eliminating the northern most alignments from further consideration, and we recommend waiting for more recent survey results before continuing to study the eastern most alignments. We are concerned wetlands and other aquatic habitats may be degraded without consideration of mitigation. Further, we suggest that migratory birds be protected through scheduled construction windows. If the timing and duration of some activities cannot be suitably scheduled, surveys and alternate mitigation should be implemented to avoid the possible take of birds or active nests. Finally, we recommend continued consultation with the Trails Group once the preferred alternative is selected.

The Department has a continuing interest in working with the FHWA and the AHTD to ensure impacts to resources of concern to the Department are adequately addressed. For continued coordination with the issues concerning endangered species and wetland issues, please contact Kevin Moody, Regional Environmental Coordinator, Fish and Wildlife Service, telephone 404-679-7089. For continued consultation and coordination with the issues concerning the Section 4(f) resources, please contact the Regional Environmental Coordinator, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska, 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink that reads "Willie R. Taylor". The signature is written in a cursive style with a large, prominent initial "W".

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
Superintendent
Long Distance Trails Group
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Section 4(f) Comment #1:

Response: Expanded discussion on Section 4(f) properties is included in both the Affected Environment and Environmental Consequences Section of the FEIS. Additional documentation is also provided in this FEIS regarding the Trail of Tears (see Section 4.3.12.5.4 on Old Roads and Historic Trails in Environmental Consequences). Also see FHWA's response letter dated August 9, 2004 to USFWS in this section responding to these comments. There are only three eligible structures along the Preferred Line (structures C, U, and BE905). None are within the impact zone and none will be directly affected by the project. Additional discussion is provided on possible secondary impacts and constructive use analysis in Environmental Consequences Section 4.3.12.6 regarding Section 4(f) properties.

Section 4(f) Comment #2:

Response: As discussed in Section 4.3.12 of the DEIS, SDEIS, and FEIS, there are no publicly owned parks or recreational areas impacted by the project, including the Trail of Tears National Historic Trail.

General Comment #1: Eliminate Alignment 5

Response: A coordination meeting with USFWS was held on July 29, 2004 to provide additional information regarding local access associated with the various alignments in the vicinity of Cave Springs Cave. After the coordination meeting, USFWS reversed its position regarding elimination of Line 5 (the Preferred Line) from further consideration if commitments were made to control local access and runoff from the facility. These commitments have been agreed to by FHWA and AHTD.

General Comment #2: Split Cave Resources

Response: The survey of Split Cave has been completed, and a determination made that it contains no protected resources such as endangered species. Any cave resources that are discovered will be investigated and the potential for impacts assessed. Section 4.3.1.3 of the

Environmental Consequences provides additional information. Any cave resources that are discovered will be investigated and the potential for impacts assessed.

General Comment #3: Line 5 potential to impact the Cave Springs recharge area

Response: The FHWA and AHTD do not agree with this assessment. A coordination meeting with USFWS was held on July 29, 2004 to provide additional information regarding local access associated with the various alignments in the vicinity of Cave Springs Cave. Following the meeting, the USFWS agreed that Line 5 did not present the highest potential for adverse impacts to Cave Springs Cave. In subsequent correspondence, the USFWS stated it had no objection to construction of Line 5 if commitments were made to control local access to/from the facility near the Cave Springs Recharge Area. These commitments have been agreed to by FHWA and the AHTD.

General Comment #4: Wetlands

Response: All potential impacts and mitigation options for aquatic habitats are identified in the FEIS Environmental Consequences Section 4.3.3.

General Comment #5: Migratory birds

Response: If existing structures are being utilized by migratory birds as nesting habitat, demolition will not be permitted from April 1 through August 31. Every attempt will be made, where practicable, to schedule construction clearing and grubbing activities so that they do not occur during the primary nesting season for migratory birds.

General Comment #6: National Park Units

Response: Comment noted.

Comment #7: Conclusion

Response: Comments noted

USDOJ, Fish and Wildlife Service, August 5, 2004



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1500 Museum Road, Suite 105
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

August 5, 2004

Mr. Randal Looney
Federal Highway Administration
Arkansas Division
700 West Capitol Avenue
Room 3130
Little Rock, Arkansas 72201-3298

Subject: Springdale Northern Bypass, Alternative Alignment Five

Dear Mr. Looney:

This letter addresses Springdale Northern Bypass Supplemental Draft Environmental Impact Statement (SDEIS). Maintaining the ecological integrity of the recharge area for Cave Springs Cave is very important to the survival of the federally listed threatened Ozark cavefish (*Amblyopsis rosae*). As a result, we have been concerned about the acceptability of alignment five as presented in the SDEIS. A meeting on July 29, 2004 with the Arkansas Highway and Transportation Department (AHTD) and Federal Highway Administration (FHWA) environmental staff provided additional information that requires a reassessment of our comments on the proposed project.

Alignment five is located approximately one quarter mile outside the recharge area at the closest point. The greatest concern of the Fish and Wildlife Service with alignment five is the potential for impacts to the Cave Springs Cave recharge area through secondary and cumulative effects as a result of development along the new highway alignment. For this reason, alignments two, three, and four were considered more favorable than alignment five. AHTD staff members explained that selection of alignments two or four would result in the relocation of Wagon Wheel Road and the I-540 local access interchange, providing local traffic an access point closer to the recharge area, whereas alignment five would not. Alignment five does not allow access at the point where it intersects Interstate 540 near the recharge area. This would prevent access to local traffic and therefore limit induced development. Drainage and storm water runoff were also of concern, but it was noted that due to topography of the surrounding lands, runoff from alignment five would not discharge into the Cave Springs Cave recharge area.

An elementary school has been constructed within alignment two, which also impacts the greatest number of minority communities in the area. Selection of alignment four would also increase impacts to Callahan Mountain, which would undergo extensive blasting for cuts and fills needed to level the right of way around the mountain.

Alignment three would have identical impacts to Callahan Mountain, but would not provide a direct arterial route through the Cave Springs Cave recharge area. Alignment three would also impact Spring Creek by creating a greater potential for induced development within the associated floodplain due to the resulting local interchange relocation.

#1 If the following conditions are made an integral part of alignment five, the Fish and Wildlife Service has no objection to construction of this alignment. To minimize potential impacts that could result from the construction of alignment five, the FHWA and AHTD are requested not to build additional interchanges between Interstate 540 and Highway 112 and to limit frontage roads as follows:

1. The directional interchange of alignment five and I-540 would provide no local access.
2. No additional interchanges would be constructed between the I-540 and Arkansas State Highway 112.
3. No frontage roads would be built along the highway between the two interchanges mentioned in #2. This restriction includes local road construction under the control of FHWA or AHTD utilizing the resources of either agency (an emphasis being placed on those roads which would allow additional access to the Cave Springs Cave recharge area). Two short lengths of road have been approved by the Fish and Wildlife Service that would run parallel to the proposed right of way to provide connectivity for local roads severed by the alignment. These severed roads are Puppy Creek Road/Spring Creek Road and Wagon Wheel/South Zion Road. Puppy Creek Road would be rerouted to connect to Spring Creek Road, and South Zion Road could be reconnected to Wagon Wheel Road. The Service requests that a grade separation be placed on both Wagon Wheel Road and South Zion Road to resolve the connectivity issue in that area if design and budget criteria allow.
4. Drainage along this section of the new highway will not be allowed to enter the Cave Springs Cave recharge area as delineated in the DEIS.

#2 Other outstanding issues involve at least one cave habitat, Split Cave, near Beaver Lake that has the potential to support the Ozark cavefish. This cave system could be affected by Segment E-F of each alignment. The flooded portion of this cave has recently been explored by expert cave divers, but visibility was too low to perform adequate surveys. The cave is scheduled to be explored again on August 22, 2004 when water levels in the lake should have subsided to appropriate levels. If cavefish are discovered in the cave, we will request a delineation of the recharge area and recommend further coordination to resolve the associated potential impacts

- #3 before completion of the final EIS. In addition to this cave, there is the potential for more cave resources to become known through upcoming public involvement meetings, which would require further coordination to avoid damages to these resources. We will work with the AHTD to ensure a timely and thorough investigation of any new resources that may be discovered.
- #4 Our comments to date also addressed wetland impacts and migratory bird issues. These comments should be reviewed and addressed in the final EIS. We thank the AHTD and FHWA for the opportunity to comment on this project and look forward to working with you in the future to conserve fish and wildlife resources. For future correspondence on this matter, please contact Mitch Wine of this office at 501-513-4488.

Sincerely,


Allan J. Mueller
Field Supervisor

cc:

Marion Butler, AHTD
Bill Richardson, AHTD
John Harris, AHTD
Brenda Price, AHTD
Sherry LeBlanc, AHTD
Robert Leonard, AGFC
Wanda Boyd, EPA
Cindy Osborne, ANHC

Comment #1: Proposed commitments

Response: These commitments have been agreed to by FHWA and the AHTD and are included in Sections 4.3.8.2 and 5.14 of the FEIS.

Comment #2: Split Cave near Beaver Lake

Response: Cave divers performed additional explorations and determined that Split Cave is not likely to support a population of Ozark cavefish.

Comment #3: Potential for more cave resources

Response: Any cave resources that are discovered will be investigated and the potential for impacts assessed.

Comment #4: Our comments to date also addressed wetland impacts and migratory bird issues. These comments should be reviewed and addressed in the FEIS.

Response: Wetland impacts and migratory bird impacts are addressed in Sections 4.3.3 and 4.3.7.2 of the FEIS.

U.S. Department of Transportation, FHWA, Arkansas Division, August 9, 2004



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Arkansas Division
700 West Capitol Avenue, Room 3130
Little Rock, AR 72201-3298



August 9, 2004

IN REPLY REFER TO:
Springdale Northern Bypass
SDEIS

Mr. Willie R. Taylor
Department of Interior
Director, Office of Environmental Policy and Compliance
1849 C Street NW
Washington, DC 20240

Dear Mr. Taylor:

Thank you for your comments of July 23, 2004 regarding the Springdale Northern Bypass Supplemental Draft Environmental Impact Statement (SDEIS), Benton and Washington Counties, Arkansas. I would like to briefly respond to the comments/concerns outlined in the letter and provide an update of events regarding recent coordination and consultation with the U.S. Fish & Wildlife Service (USFWS) Ecological Services Field Office in Conway, AR.

Section 4(f) Comments

The Trail of Tears will be crossed by all alternatives. However, the exact location of The Trail of Tears is not known in this area of the state. Once a preferred alignment is chosen, its impacts to this resource will be determined through pedestrian surveys and additional archeological surveys as determined necessary, through further consultation with the State Historic Preservation Officer and Native American tribes.

There are no direct impacts to any historic structures on any of the alternatives considered in the SDEIS. A buffer of several hundred feet was provided for all historic structures that were discussed in your letter of July 23, 2004. When a preferred alternative is identified, more detailed information regarding the preferred alignment's potential impacts to historic structures will be evaluated and disclosed in the Final Environmental Impact Statement (FEIS), and if warranted these impacts will also be addressed as part of a Section 4(f) analysis, including constructive use if applicable. Table 4-24 of the SDEIS (attached) provides further information on historic structures.

General Comments

Both the Federal Highway Administration (FHWA) and Arkansas State Highway and Transportation Department (AHTD) are committed to protecting the Cave Springs recharge area, and the survival of the Federally listed threatened Ozark Cavefish (*Amblyopsis rosae*). Further, more detailed information on all alternatives regarding the potential impacts to the recharge area were provided to the USFWS through consultation that occurred during the period of July 26-August 3, 2004. This consultation resulted in a letter dated August 5, 2004 to FHWA from USFWS (attached) regarding reassessment of their original comments, most specifically those comments concerning the elimination of Alternative 5 from further consideration as a

viable alternative in the FEIS. The USFWS now agrees that Alternative 5 may still be considered a viable alternative for further study in the FEIS if the following conditions are met:

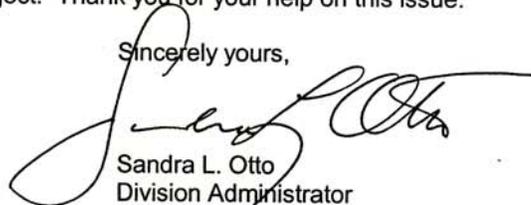
1. The directional interchange of alignment five and I-540 would provide no local access.
2. No additional interchanges would be constructed between the I-540 and Arkansas State Highway 112.
3. No frontage roads would be built along the highway between the two interchanges mentioned in #2, including local road construction under Federal or State control except as stipulated in the August 5, 2004 USFWS letter.
4. Drainage along this section of the new highway will not be allowed to enter the Cave Springs Cave recharge area as delineated in the DEIS.

Both the FHWA and AHTD agree to include these items as commitments in the FEIS with respect to Alternative 5. If Alternative 5 is selected in the Record of Decision (ROD) as the alternative to be constructed, further information may be noted in the ROD regarding these commitments.

Wetlands impacts associated with the preferred alternative will be avoided if possible, minimized if unavoidable, and mitigated if required, and addressed in the FEIS. Migratory Bird Treaty Act concerns, as well as potential impacts to the Trail of Tears will also be further addressed in the FEIS as warranted.

I hope that the information provided above and the attached correspondence from the USFWS alleviates your initial concerns with environmental impacts associated with the Springdale Northern Bypass SDEIS. Please do not hesitate to contact Mr. Randal Looney of my staff at (501) 324-5625 to further discuss the project. Thank you for your help on this issue.

Sincerely yours,



Sandra L. Otto
Division Administrator

cc: Dan Flowers, AHTD ✓
Allan Mueller, USFWS

Encls: August 5, 2004 letter, USFWS

C: CE
ACE - Operations
ACE - Design
ACE - Planning
P+C - Admin
PA
Rdwy.
P+R
Env.
Dist. 4 + 9
309.15

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AUG 12 2004

Programs & Contracts
AHTD

US Environmental Protection Agency, July 23, 2004



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 23, 2004

Mr. Randal Looney
Federal Highway Administration
Arkansas Division Office
3128 Federal Office Building
Little Rock, AR 72201

Dear Mr. Looney:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Federal Highway Administration Draft Environmental Impact Statement (DEIS) for Highway 412, Benton and Washington Counties, Arkansas.

The EPA rates your DEIS as "LO," i.e., EPA has "Lack of Objections" to the lead agency's proposed action. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

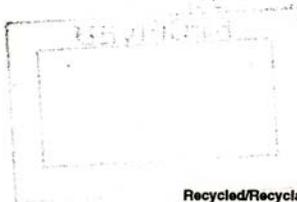
We appreciate the opportunity to review the DEIS. We request that you send our office one copy of the Final EIS at the same time that it is sent to the Office of Federal Activities, (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

A handwritten signature in black ink that reads "Michael P. Jansky, P.E.".

Michael P. Jansky, P.E.
Regional Environmental Review
Coordinator

RECEIVED
AHT.D.
AUG 13 2004
ENVIRONMENTAL
DIVISION



Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 25% Postconsumer)

Response: Comment noted.

Arkansas Department of Environmental Quality, July 7, 2004



July 7, 2004

Mr. Marion Butler
Environmental Division
Ark. Highway and Transportation Dept.
P.O. Box 2261
Little Rock, AR 72203-2261

RE: Springdale Northern Bypass (Hwy. 412); AHTD Job Number 001966; Benton and Washington Counties

Dear Mr. Butler:

The Arkansas Department of Environmental Quality (ADEQ) has reviewed the information submitted on the referenced Supplemental Draft Environmental Impact Statement. The following agency Divisions have provided comments to us on your plan:

Water

- **Section 4.3.1.3, Caves and Cave Resources** - "No indications were found that these caves contained any resources of special concern."

#1

The Water Division would argue that in the area of northwest Arkansas, all caves and fissures are "resources of special concern." There are numerous areas that are considered ecologically sensitive in northwest Arkansas. Although their specific locations remain unknown, many others undoubtedly exist. They are of great importance for groundwater aquifer recharge and may provide habitat for some of Arkansas' most sensitive species- the cave crayfish and cave fish. Great care should be taken during construction in this area to avoid these avenues for subterranean contamination.

- **Section 4.3.3.2, Impacts to Streams and Springs** - "No impacts are expected to springs within Segments B-E. All known springs have been avoided by proposed alignments."

#2

Although known springs are to be avoided, there is the very real possibility that springs in the general area and afore mentioned caves and fissures could be damaged during blasting.

Mr. Marion Butler
RE: Springdale Northern Bypass (Hwy. 412)
Page 2

- Paragraph 4 of this section mentions that the amount of channel modification of Spring Creek would depend on the final design chosen.

#3 “Channel modification” should be avoided if at all possible to alleviate the impacts of erosion and sedimentation subsequent to the “modification.” Portions of Spring Creek are listed as Ecologically Sensitive in the Department’s Regulation Number 2, Appendix 8, as are numerous springs in the area. Channel morphology and drainage should be considered as part of the design phase of features such as overpasses to maintain channel stability. Whenever possible, these highway features should be designed in such a manner as to leave the channel undisturbed. Overpasses, off-ramps... should be designed around the natural flow of the waters of the state where possible, instead of redesigning the channel. Due to the fact that certain areas of Spring Creek are designated as Ecologically Sensitive, individual 401 Water Quality Certification will be required as part of the permit process.

#4 ➤ It appears that Line 5, in Figures 4-10A and 4-10B, would result in the least probability of adverse impacts to water quality and aquatic fauna. Paragraph 5, **Section 4.3.3.2- Impacts to Streams and Springs**, states that channel modification of Puppy Creek should not be required.

#5 ➤ **Section 5.2, COMMITMENTS- Surface Water Quality-** The AHTD states that requirements of the NPDES regulations for storm water discharge from construction sites will be followed and that AHTD will prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the permit. The SWPPP should be submitted to ADEQ for review.

As previously stated, this region of Arkansas is extremely sensitive in the areas of water quality and aquatic fauna, due to the high quality of surface water and karst geology of the region. The planners of this endeavor, construction firms and the AHTD, should closely adhere to the requirements of the Storm Water Pollution Prevention Plan and are encouraged to go beyond those requirements, when possible, to protect the aquatic resources of northwest Arkansas and to avoid possible enforcement action by this Department.

Air

#6 ➤ **Section 4.1.2, Air Quality** – The Air Division agrees that this area is designated as being in attainment for carbon monoxide and ozone. Therefore, the project is not subject to transportation conformity requirements.

#7 ➤ **Section 4.1.2.2, Air Quality Impacts** – The Air Division also agrees that the No-Action Alternative would likely lead to higher carbon monoxide concentrations on existing U.S. Hwy. 412 by 2024, resulting from slower speeds caused by increased congestion.

Mr. Marion Butler
RE: Springdale Northern Bypass (Hwy. 412)
Page 3

Environmental Preservation

#8

If you are not already aware, there is a local conservation partnership working to conserve and restore karst habitat in the Ozark Plateau region of Arkansas, Missouri, Oklahoma and Kansas. Please consider including them in your review process. They can provide valuable environmental information to you that is relevant to the area. The group is the Karst Resources Support Team (KaRST) and their contact is David Kampwerth of the U.S. Fish and Wildlife Service. Kampwerth's phone number is 501-513-4477 and his e-mail address is David_Kampwerth@fws.gov.

If you have any questions or concerns, please coordinate them through Audree Miller at 501-682-0015.

Sincerely,



Sandi Formica
Chief, Environmental Preservation Division

cc: Mary Leath, Chief Deputy Director
Martin Maner, Water Division
William E. Swafford, Air Division
Dennis Green, Hazardous Waste

Water

Comment #1: Section 4.3.1.3 Caves and Cave Resources

Response: Comment noted.

Comment #2: Section 4.3.3.2 Impacts to Streams and Springs

Response: Comment noted. Comments are addressed in Sections 4.3.3.2 – 4.3.3.5 of the FEIS.

Comment #3: Channel modification of Spring Creek

Response: No ecologically sensitive waterbodies as designated by ADEQ's Regulation 2 are found in the project study area..

Comment #4: Line 5 would result in the least probability of adverse impacts to water quality and aquatic fauna.

Response: Comment noted.

Comment #5: Section 5.2 Commitments – Surface Water Quality

Response: The SWPPP will be submitted to ADEQ for review as required by the NPDES General Construction Permit. Comments Noted.

Air

Comment #6: Section 4.1.2 Air Quality – The Air Division agrees that this area is designated as being in attainment for carbon monoxide and ozone. Therefore, the project is not subject to transportation conformity requirements.

Response: Comment noted

Comment #7: Section 4.1.2.2 Air Quality Impacts – The Air Division also agrees that the No-Action Alternative would likely lead to higher carbon monoxide concentrations on

existing U.S. Highway 412 by 2024, resulting from slower speeds caused by increased congestion.

Response: Comment noted.

Comment #8: Environmental Preservation

Response: Comment noted. The USFWS is a co-operating agency on the preparation of this FEIS and, as such, they will have an opportunity for review and comment. The Karst Resources Support Team will receive a copy of the FEIS for review.

Arkansas Department of Finance and Administration, State Clearinghouse Review,
June 18, 2004



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 417
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

June 18, 2004

Mr. Marion Butler, Division Head
Environmental Division
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, Arkansas 72203-2261

RE: Supplemental Draft Environmental Impact Statement, Job #001966, Springdale
Northern Bypass U. S. 412, Benton and Washington Counties

Dear Mr. Butler:

The State Clearinghouse has received the above document pursuant to the
Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was forwarded to
members of the Arkansas Technical Review Committee. Resulting comments received
from the Technical Review Committee which represents the position of the State of
Arkansas are attached.

The State Clearinghouse wishes to thank you for your cooperation with the
Arkansas Project Notification and Review System.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracy L. Copeland".

Tracy L. Copeland, Manager
State Clearinghouse

TLC/lr
Enclosure
CC: Randy Young, AS&WCC

Responses:

Arkansas Soil and Water Conservation Commission-Supports

Department of Finance and Administration-No Comments

Arkansas Department of Economic Development-No Comments

Arkansas Forestry Commission-Support

Arkansas Department of Parks and Tourism-No Comments

Arkansas Department of Health-Comment Noted

Arkansas Game and Fish Commission-Comment Noted



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

1515 West Seventh Street, Suite 412
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

#1677

RECEIVED
MAY 17 AM 11:15
SOIL & WATER COMM.

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, Manager - State Clearinghouse
DATE: May 14, 2004
SUBJECT: (Supplemental Draft Environmental Impact Statement) JOB NO. 001966
SPRINGDALE NORTHERN BYPASS (U.S. 412) BENTON & WASHINGTON COUNTIES

(NOTE!! COPY OF COMPLETE REPORT WAS SENT DIRECTLY TO YOUR AGENCY)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

JUNE 4, 2004

Your comments should be returned by _____ to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

If you have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ASWCC at (501) 682-1611 or the State Clearinghouse Office.

- Support
Do Not Support (Comments Attached)
Comments Attached
Support with Following Conditions
No Comments
Non-Degradation Certification Issues (Applies to ADEQ Only)

Name (print) Colbert Agency ASWCC Date 6-10-04
Telephone Number _____



Arkansas Soil & Water Conservation Commission



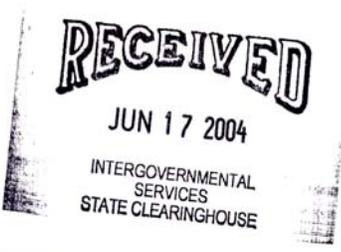
J.Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
www.accessarkansas.org/aswcc

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: aswcc@mail.state.ar.us

Mike Huckabee
Governor

MEMORANDUM



TO: Mr. Tracy Copeland, Manager
State Clearinghouse

FROM: Mr. J. Randy Young, P.E.
Executive Director

SUBJECT: Supplemental Draft Environmental Impact Statement
Job #001966
Springdale Northern Bypass U.S. 412
Benton and Washington Counties

DATE: June 16, 2004

Members of the Technical Review Committee have reviewed the above referenced project; the project is known as the Springdale Northern Bypass. All alternative alignments begin at an interchange with existing Highway 412 west of Tontitown where the highway presently changes from four to five lanes and will end with an interchange on existing Highway 412 at Beaver Lake. The purpose of this project is to provide safe and efficient movement of traffic within the region while accommodating through and intermodal travelers and alleviating congestion along existing facilities. The Committee supports this project. Comments are attached for your review.

The opportunity to comment is appreciated.

JRY/ddavis



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

1515 West Seventh Street, Suite 412
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, Manager - State Clearinghouse
DATE: May 14, 2004
SUBJECT: (Supplemental Draft Environmental Impact Statement) JOB NO. 001966
SPRINGDALE NORTHERN BYPASS(U.S. 412)BENTON & WASHINGTON COUNTIES

RECEIVED
ON MAY 20 AM 9:20
SOIL & WATER CONSERVATION

(NOTE!! COPY OF COMPLETE REPORT WAS SENT DIRECTLY TO YOUR AGENCY)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by JUNE 4, 2004 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

IF you have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ASWCC at (501) 682-1611 or the State Clearinghouse Office.

- Support
Do Not Support (Comments Attached)
Comments Attached
Support with Following Conditions
No Comments
Non-Degradation Certification Issues (Applies to ADEQ Only)

Name(print) Steve Jones Agency ADEQ Date 5-18-04
Telephone Number 501 682 7311

*TP
Vim*



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

**Department of Finance
and Administration**

1515 West Seventh Street, Suite 412
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/cfa>

RECEIVED
MAY 26 AM 10:06
STATE DEPARTMENT OF
FINANCE & ADMINISTRATION

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland ^{JRC} Manager - State Clearinghouse
DATE: May 14, 2004
SUBJECT: (Supplemental Draft Environmental Impact Statement) JCB NO. 001966
SPRINGDALE NORTHERN BYPASS (U.S. 412) BENTON & WASHINGTON COUNTIES

(NOTE: COPY OF COMPLETE REPORT WAS SENT DIRECTLY TO YOUR AGENCY)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by JUNE 4, 2004 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

IF you have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ASWCC at (501) 682-1611 or the State Clearinghouse Office.

- Support
- Do Not Support (Comments Attached)
- Comments Attached
- Support with Following Conditions
- No Comments
- Non-Degradation Certification Issues (Applies to ADEQ Only)

Name(print) JAMES L. KORTHAUS Agency LA FC Co Date 2/23/04
Telephone Number 501-256-1163

4-113



STATE OF ARKANSAS

Department of Finance and Administration

RECEIVED

OFFICE OF INTERGOVERNMENTAL SERVICES

MAY 17 2004 1515 West Seventh Street, Suite 412 Post Office Box 8031 Little Rock, Arkansas 72203-8031 Phone: (501) 682-1074 Fax: (501) 682-5206 www.state.ar.us/dfa

Reception Ground Floor

RECEIVED MAY 17 2004 EXECUTIVE DIRECTOR'S OFFICE

MEMORANDUM

TO: All Technical Review Committee Members
FROM: Tracy L. Copeland, Manager - State Clearinghouse
DATE: May 14, 2004
SUBJECT: (Supplemental Draft Environmental Impact Statement) JOB NO. 001366 SPRINGDALE NORTHERN BYPASS(U.S. 412) BENTON & WASHINGTON COUNTIES

(NOTE: COPY OF COMPLETE REPORT WAS SENT DIRECTLY TO YOUR AGENCY)

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by JUNE 4, 2004 to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

IF you have no reply within that time we will assume you have no comments and will proceed with the sign-off.

NOTE: It is imperative that your response be in to the ASWCC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of the ASWCC at (501) 682-1611 or the State Clearinghouse Office.

- Support Do Not Support (Comments Attached)
Comments Attached Support with Following Conditions
No Comments Non-Degradation Certification Issues (Applies to ADEQ Only)

Name(print) Anita Chouinard Agency ADPT Date 6/1/2004
Telephone Number 682-6946

Arkansas Department of Health, June 1, 2004



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Fay W. Boozman, MD, MPH, Director

Mike Huckabee, Governor

June 1, 2004

Ms. Brenda K. Price
Arkansas State Highway & Transportation Department
Environmental Division
P.O. Box 2261
Little Rock, AR 72203-2261

RE: Springdale Northern Bypass (Hwy. 412)-Project Number 001966

Dear Ms. Price,

A staff review has been made of the information received on the referenced project. The Division of Engineering has the following comments on the submittal.

- Please be aware that there is a Public Water Well, Billie Acres Subdivision, located in close proximity of the project and consideration should be given to safe guarding this source. Enclosed is a map indicating location of well.

If you have any questions or comments, please coordinate them through Kristine Spears at 501-661-2623.

Sincerely,

Bob Makin, P.E.
Assistant Director
Division of Engineering

BM:CC:RD:KS:ks

Keeping Your Hometown Healthy

"An Equal Opportunity Employer"

Comment: Public water well

Response: The Arkansas Health Department Database lists the Billie Acres Subdivision Well as inactive. Even if the well were active, impacts to the well from the construction of this project would not be expected due to the distance of the well from the roadway alignment.

Arkansas Game and Fish, June 7, 2004

Arkansas Game & Fish Commission
2 Natural Resources Drive Little Rock, Arkansas 72205



David Goad
Deputy Director

Scott Henderson
Director

Loren Hitchcock
Deputy Director

June 7, 2004

Brenda K. Price
Environmental Division
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Dear Ms. Price:

Your letter regarding the Springdale Northern Bypass (Hwy. 412) Job Number 001966, Benton and Washington Counties has been referred to me for reply.

Biologists from our agency have conducted a preliminary review of this document and advise that we anticipate insignificant adverse impacts to fish and wildlife resources with the proposed project. Our agency appreciates the opportunity to review this project proposal.

Sincerely,


Robert K. Leonard, Biologist
River Basins Division

Cc: Donny Harris
Mike Gibson
Bob McAnally

Phone: 501-223-6300 Fax: 501-223-6448 Website: www.agfc.com

The mission of the Arkansas Game and Fish Commission is to wisely manage all the fish and wildlife resources of Arkansas while providing maximum enjoyment for the people.

Response: Comment noted.

The Department of Arkansas Heritage, July 16, 2004



The Department of
**Arkansas
 Heritage**

Mike Huckabee, Governor
 Cathie Matthews, Director

Arkansas Arts Council

Arkansas Historic
 Preservation Program

Historic Arkansas Museum

Delta Cultural Center

Old State House Museum



**Arkansas Natural
 Heritage Commission**

1500 Tower Building
 323 Center Street
 Little Rock, AR 72201
 (501) 324-9619
 fax: (501) 324-9618
 tdd: (501) 324-9811

e-mail: info@arkansasheritage.org

website:

<http://naturalheritage.com>

An Equal Opportunity Employer



Date: July 16, 2004
 Subject: Supplemental Draft Environmental Impact Statement
 Springdale Northern Bypass
 Benton and Washington Counties, AR
 ANHC No.: S-AHTD-04-015

Mr. Marion Butler
 Environmental Division
 Arkansas State Highway and Transportation Department
 P.O. Box 2261
 Little Rock, AR 72203-2261

Dear Mr. Butler:

Staff members of the Arkansas Natural Heritage Commission have reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Springdale Northern Bypass in Benton and Washington Counties. The SDEIS was prepared as a result of comments received at the DEIS Location Public Hearing. The DEIS presented information on four alignments. In response to public comments, a fifth alignment has been added in the SDEIS. Additionally, redesign and placement changes have been made for some of the interchanges.

The new alignment presented in the SDEIS is north of the previous alignments, and north of Callahan Mountain. The alignment is south of the Cave Springs Cave Recharge Area, but is closer to the recharge zone than any of the other alignments. The recharge area is already under tremendous pressure from development. We are concerned that this placement would encourage additional development within the recharge area. For this reason, we would discourage selection of this alignment.

The opportunity to comment is appreciated.

Sincerely,

Cindy Osborne
 Data Manager

Comment: Cave Springs recharge area concerns

Response: Comment noted. Please refer to the previous USDO and USFWS comments on the SDEIS and responses.

The Department of Arkansas Heritage, May 20, 2004



The Department of
**Arkansas
Heritage**

Mike Huckabee, Governor
Cathie Matthews, Director

Arkansas Arts Council
▪
Arkansas Natural Heritage
Commission
▪
Historic Arkansas Museum
▪
Delta Cultural Center
▪
Old State House Museum



Arkansas Historic
Preservation Program

1500 Tower Building
323 Center Street
Little Rock, AR 72201
(501)324-9880
fax: (501)324-9184
tdd: (501)324-9811
e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.org

May 20, 2004

Mr. Marion Butler
Division Head, Environmental Division
Arkansas Highway & Transportation Department
Post Office Box 2261
Little Rock, Arkansas 72203-2261

RE: Multi County - Springdale
Section 106 Review - FHWA
Springdale Northern Bypass, U.S. Highway 412
AHPP Tracking No: 52139

Dear Mr. Butler:

Marion
Thank you for the opportunity to review the *Supplemental Draft Environmental Impact Statement, Springdale Northern Bypass, Highway 412*. We find this to be a well crafted document that thoroughly addresses the potential impacts that this undertaking may have on cultural resources. We agree with the plan to conduct an intensive cultural resources survey of the final alignment and look forward to commenting of a report of that work during the Section 106 process.

Thank you for your interest and concern for the cultural heritage of Arkansas. If you have any questions, please contact George McCluskey of my staff at (501) 324-9880.

Sincerely,

Ken Grunewald
Ken Grunewald
Deputy State Historic Preservation Officer

cc: Dr. Richard Allen, Cherokee Nation
Dr. Ann M. Early, Arkansas Archeological Survey
Mr. Randall Looney, Federal Highway Administration
Mr. John Miller, Arkansas Highway & Transportation Department
Mr. Anthony Whitehorn, Osage Nation

An Equal Opportunity Employer



Comment: Agree with plan to conduct an intensive cultural resources survey of the final alignment, then continuing the Section 106 process.

Response: Comment noted.

7.2.2 Response to SDEIS Public Comments

The following comments were submitted by the public as a result of the SDEIS Location Public Hearings. Public comments were too numerous to include individually in the FEIS. Synopses of similar comments are addressed directly or changes relating to these comments incorporated within the FEIS. Some of the comments were combined and/or paraphrased to simplify the comment and response process. Each comment or question is followed by a response.

Comment Number 1: The use of old aerial photos in the SDEIS and at the Public Involvement/Public Hearing sessions left a false impression, or at least no impression, of the potential impact on residences and business. Many of the northern routes have been heavily developed since those photos were made. For example, the positions of lines 3 and 4 as they cross Callahan Mt. Road appear to have been moved up the mountain from the original position of the “preferred route” in the DEIS. Also, Line 5 is extremely close to the quarry and environmental protection area. It appeared that the map was out of date and may not reflect the existing expansion of the quarry. We were told the apparent move up the mountain was an artifact on the aerial photos. How can accurate impacts on residences and business be assessed without using updated photos?

Response: Aerial photographs used in the SDEIS and at the Public Involvement/Public Hearing sessions were from February 2001, the most recent available photographs at the time. The appearance that the positions of Line 3 and Line 4 had moved since the last public involvement session was an artifact of the use of computer-aided drawing. Furthermore, the lines as they appear on various maps and photographs are an approximation of where the proposed bypass will actually be located. The location of the bypass will not be finalized until after the survey and design has been finalized and the public has an opportunity to comment. Most of the impacts analyzed and documented during the EIS process are based on field reconnaissance and investigations in the project area. The only impact areas assessed from aerial photography are those relating to the existing land use, and these have been re-analyzed for the FEIS using aerial photography from September 2004.

Comment Number 2: Alternatives 3/4 appear to strip off part of Callahan Mountain. Furthermore, the geology of the mountain has yet to be studied and additional right-of-way may be needed if certain rock types are encountered. Callahan Mountain is scenic; therefore the visual impact of these two alternatives will be greatest due to the proposed cut on the south side of the mountain.

Response: Neither Line 3 or Line 4 were chosen as the Preferred Alignment in the FEIS.

Comment Number 3: Line 5 comes within two-tenths of a mile of the recharge area of the blind Ozark cavefish, a federally protected species. In 1998 a proposed route existed that was several hundred feet closer but not much that traveled close to East Brown Road. You withdrew that from consideration for environmental reasons. What will prevent a toxic waste spill from an eighteen-wheeler traveling (on Line 5) during a significant rain event reaching the Cave Springs recharge area and harming cavefish?

Response: The Preferred Line will not enter the currently delineated Cave Springs recharge area.

Comment Number 4: Many of the people who live along the corridor of Line 5 still depend on wells for their water supply, which would most likely be adversely affected from pollutants present in the runoff from the highway seeping into the groundwater in the area. We are also concerned with the loss of animal water source due to the bypass interfering with the various springs located in the proposed right of way. What plans are being made to ensure that wells in the area of line 5 are protected?

Response: General and specific measures to be considered and used to manage highway storm water runoff include curb elimination, litter control, good management usage of deicing chemicals and herbicides, establishment and maintenance of vegetation, grassed channels, overland flow through vegetation, wet detention basins, infiltration basins, and wetlands. If springs or wells used for domestic or agricultural purposes are impacted by this project, damages will be paid, or provisions made to replace the water.

Comment Number 5: Part of the Preferred Route (Line 5) crosses a flood plain near Wagon Wheel Road. What precautions will be taken so that floodwater does not become a problem on our property once the bypass is completed? Is there a flood report? May I have a copy?

Response: The final project design will be reviewed to confirm that design measures to minimize floodplain impacts are adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. A detailed analysis of the effects the proposed construction on the depth of flooding upstream from, and along all the regulated stream crossings within the project will be made after design surveys are obtained. The project design will meet, or exceed, the requirements of local floodplain development regulations. No detailed survey information has been collected for project design, so no detailed drainage or flood reports are yet available.

Comment Number 6: There are several water lines in the Preferred Corridor that will be traversed by the bypass. How will the AHTD ensure that water service is continued in the area?

Response: The Department pays for all required utility relocations that result from the construction of a project on new location.

Comment Number 7: Access to the bypass is needed on Monitor Road or Parson Road on the east end of the project.

Response: No interchanges are planned for the proposed bypass at Monitor Road or Parsons-Monitor Road at this time, since traffic levels are very low. During the design process, interchanges at the aforementioned locations will be considered if traffic increases substantially.

Comment Number 8: The City of Springdale made a grave error in approving the Belmont development without the state having chosen a route for the bypass. Why were builders and

real estate people allowed to continue the building & selling in Belmont subdivision while this was on the table?

We were never disclosed the information about the new 412 bypass possibly coming through our neighbor hood when we bought our house a year ago. Both the contractor and our real estate agent did not disclose the information.

Response: The environmental and land acquisition process that must be conducted to meet federal regulations does not allow corridor preservation (buying of potential right-of-way) to occur until the Record of Decision is final, since this would usurp the rights of private landowners. Several opportunities were offered to the public to view and comment on the proposed routes for the bypass (See Section 6, Coordination and Public Involvement) by AHTD. Maps of the routes were routinely provided to local cities and counties for their use and public review. Non-disclosure by contractors or real estate agents is under the purview of the Arkansas Real Estate Commission.

Comment Number 9: If you build Line 5, Springdale will want AHTD to build miles of frontage road next and apparently they have enough influence on the highway commission to make that a real possibility.

Response: Comment noted. The construction of frontage roads along the proposed bypass is not included in this environmental study. A commitment to the USFWS in Section 7.2.1 prohibits the FHWA or AHTD from participating in frontage road construction between Highway 112 and I-540 except for detailed circumstances.

Comment Number 10: We would like to know if there have been measures taken to control urban sprawl in our community Apple Meadows – particularly commercial buildings across the street from our quiet neighborhoods. We recognize that highway planners aren't the architects of urban sprawl – building a highway will provide the means to an end.

Response: Zoning issues should be discussed with city or county officials, as the AHTD has no authority over zoning.

Comment Number 11: I believe the Wagon Wheel exchange is poorly laid out and dangerous. The city of Springdale wants to preserve the current Wagon Wheel Road/I-540 interchange. There is no good reason to preserve this interchange. The southbound deceleration lane is short with a very sharp turn involved. The southbound on ramp is such that it is very difficult to see traffic on I-540 as you merge. There is also a bridge at the end of the short acceleration lane. The northbound off ramp is OK but the north bound on ramp is such that it is difficult to see traffic on I-540 as you merge. It appears the best design would include taking out the current Wagon Wheel/I-540 interchange and build the 412 bypass I-540 interchange one mile north of the current Wagon Wheel/I-540 interchange. Doing this will allow AHTD to have a nearly perpendicular I-540/412 Bypass interchange.

Response: Comment Noted. During this study, conceptual design was performed on the interchanges for the proposed bypass alignments. These proposed interchange designs were studied in the SDEIS and presented to the public at the SDEIS Location Public Hearing. To maintain proper interchange spacing and minimize impacts from construction of the proposed Line 5, the Wagon Wheel Road/I-540 interchange should remain at the existing location.

Comment Number 12: There would be less total costs and would have a potential to save even more money by moving the interchange at Highway 71B south to match lines 3 and 4 (SDEIS page 2-49, Table 2-4).

Response: Comment noted. During the design phase of the projects, further efforts will be made to minimize impacts and costs relating to the Highway 71B interchange.

Comment Number 13: If northern route is chosen, please build sight & sound barrier on western side of road.

Response: If Line 5 (the northern route) is the Selected Alternative, a survey and the project design process will be completed for this alignment. Efforts will then be made to assess the Selected Alternative for potential adverse noise impacts to the appropriate surrounding noise sensitive areas, specifically for areas that warrant noise mitigation. In order for areas to warrant noise mitigation, specific criteria must be met, as detailed in Section 4.1.3., based on AHTD's Highway Traffic Noise Analysis Policy Of Reasonableness and Feasibility For

Type 1- Noise Abatement Measures. Once an area meets these criteria, a barrier analysis will be performed for the area of concern in order to determine the appropriate type(s) of noise mitigation, such as barrier walls or berms.

Comment Number 14: Noise impact is a concern for us on East Wagon Wheel Road. The test was ½ mile from I-540. This is simply not a valid comparable environmental test due to the distance involved. I request a 24/7 noise test be done at the Wagon Wheel Exit and I-540 interchange because such a test would be far more accurate.

Response: Samples taken at the Wagon Wheel exit of I-540 would not be representative of the noise you will experience at your location. Two ambient noise samples were taken in the area surrounding East Wagon Wheel Road (Ambient Noise Samples # 20 and # 28). Based on these two samples, the average noise level for that area was 50 dBA. These two samples provide an adequate representation of the existing daytime noise levels in the area that will be affected by noise from the bypass. The daytime noise levels, at the date and time the samples were taken, were well below the Federal Highway Administration's (FHWA's) Noise Abatement Criteria (NAC) for residential areas, specifically 67 dBA.

Line 5 (the northern route) has been chosen as the Preferred Line. If Line 5 is the Selected Alternative, a survey and the project design process will be completed for this alignment. Efforts will then be made to assess the Selected Alternative for potential adverse noise impacts to the appropriate surrounding noise sensitive areas, specifically for areas that warrant noise mitigation. In order for areas to warrant noise mitigation, specific criteria must be met, as detailed in Section 4.1.3., based on AHTD's Highway Traffic Noise Analysis Policy Of Reasonableness and Feasibility For Type 1-Noise Abatement Measures. Once an area meets these criteria, a barrier analysis will be performed for the area of concern in order to determine the appropriate type(s) of noise mitigation, such as barrier walls or berms.

Comment Number 15: Excessive noise from the bypass will decrease our property values.

Response: Comment noted.

Comment Number 16: Highway noise is a concern in our neighborhood – not only from the 412 bypass but the eventual widening of Old Wire Road. We would like to have an

explanation of the noise levels we will potentially be exposed to in our neighborhood (Apple Meadows) as a result of this project.

Response: Apple Meadows is located over 0.5 mile (0.8 km) north of the Preferred Line. Three ambient noise samples were taken south of the Apple Meadows neighborhood (Noise Sample #9, #33, and #11), nearer the proposed bypass location. Based on these results, the average existing noise level of that area was determined to be 52 dBA.

The Federal Highway Administration's (FHWA) noise model, TNM (Traffic Noise Model), was utilized to calculate the estimated noise levels along the proposed bypass. Based on the calculations performed by TNM, noise levels are predicted to be well below 67 dBA, the Noise Abatement Criteria (NAC) for residential areas, in the Apple Meadows neighborhood. The noise impacts to the Apple Meadows neighborhood from the operation of the bypass should be minimal. However, these calculations only utilized the traffic projected for the proposed bypass from 2004 to 2024 and did not include traffic projections for Old Wire Road.

This document studied impacts related to widening Highway 265 to the south between the proposed bypass and Highway 264. If Old Wire Road should need to be widened north of the bypass in the future, noise levels would increase in the Apple Meadows neighborhood. This would be a result of an increase in traffic volume and moving traffic closer to the residents. The widening of Old Wire Road in the area of Apple Meadows is beyond the scope of this document.

Comment Number 17: Line 5 would require an extremely long and high bridge to cross the quarry at Wagon Wheel Road and I-540.

Response: Comment noted.

Comment Number 18: Line 5 should not be considered – it appears to be dangerous with the extreme curves in the interchange.

Line 5 requires the design of an intersection of two major freeways at a very acute angle. The proposed interchange is similar to the interchange of 71B and I-540 located south of

Springdale. This interchange is the site of many accidents, several of which that have resulted in death. AHTD should not make this design mistake again.

Response: The design of this interchange will be in accordance with current accepted federal design standards.

Comment Number 19: We are concerned about the loss of property and of revenue from the land.

We believe the state will not be fair in its reimbursement at the current property market value is selling in the area.

Established businesses should take priority over single-family dwellings when choosing a route for the bypass. The cost of moving a business and loss of income due to the move is much higher than a simple family home. We will suffer a financial loss of income that we will be unable to recover. Finding another centrally located site will be impossible.

Response: There will be loss of property. However, the Department will provide just compensation for the property. Property owners may take the compensation received and replace the land acquired with similar property, or they may elect to invest in another manner.

Compensation for property needed for the project is established based on fair market value using comparable sales in the vicinity of the project. A Reviewing Appraiser must certify that the value established is fair market value and represents just compensation for the property being acquired.

The alignment of the project is based on design considerations and other impacts to the community, both residential and commercial. All businesses that are displaced by the project will be eligible for relocation assistance and payments to help them move and continue their operation at a new location. Advisory assistance will be provided commensurate with the businesses' needs in order to assist them in relocating within the same community. Under current Arkansas law, loss of income is non-compensable.

Comment Number 20: Support Line 5.

Response: Comment noted.

Comment Number 21: Oppose Line 5.

Response: Comment noted.

Comment Number 22: Oppose Line 2.

Response: Comment noted.

Comment Number 23: Support Line 3.

Response: Comment noted.

Comment Number 24: Oppose Line 4.

Response: Comment noted.

Comment Number 25: Support 2/4 Route.

Response: Comment noted.

Comment Number 26: Support Preferred Segment A-B.

Response: Comment noted.

Comment Number 27: Support Preferred Segment E-F.

Response: Comment noted.

Comment Number 28: Support DEIS Line 1.

Response: Comment noted.

Comment Number 29: Prefer bypass go through Bethel Heights.

Response: Comment noted.

Comment Number 30: Support Line 2.

Response: Comment noted.

Comment Number 31: Support Old Wire Road interchange location.

Response: Comment noted.

Comment Number 32: Make a decision as soon as possible, landowners and homeowners are experiencing difficulties selling property and property values are suffering. The situation is unfair.

Response: Comment Noted

Comment Number 33: By the time you build it, the bypass will be outgrown.

Response: As the project undergoes the design process, existing traffic levels and traffic projections will be considered and incorporated into the design.

Comment Number 34: I oppose Line 5 because it will be in the shade of Callahan Mountain. This will make the road icy and dangerous in the winter.

Response: Comment noted.

Comment Number 35: Build it quickly!

Response: Comment noted.

Comment Number 36: Why do you need to build a bypass when Highway 412 was just 4-laned?

Response: Refer to the Purpose and Need Section of this FEIS for information related to current and projected traffic levels on existing Highway 412, and why the bypass is needed.

Comment Number 37: Move Line 5 north off Belmont Subdivision.

Response: Preliminary design evaluations indicate that the Line 5/I-540 interchange cannot be moved much further south or north, because of its location between and proximity to the Wagon Wheel Road/I-540 and Highway 264/I-540 interchanges. Further consideration of

changes to avoid and/or minimize impacts to the Belmont Subdivision will be given during the survey and design process.

Comment Number 38: The Preferred Segment A-B is too close to Churchill Subdivision. It is impacting the value of the homes there.

Response: The conceptual alignment was adjusted in the area of Churchill to remove it slightly east of the subdivision. Further consideration of changes to avoid impacts to the Churchill Subdivision will be given during the survey and design process.

Comment Number 39: Silent Grove Road is an important connector to residential areas and enables the elderly to avoid using Highway 71B. West Appleblossom is needed for access. Do not sever Silent Grove Road and West Appleblossom.

Response: During the design phase of the process, retaining the connection between Silent Grove Road and West Apple Blossom Avenue will be evaluated.

Comment Number 40: We want Wagon Wheel Road to be redesigned and made safer, including 4-lanes, traffic lights, etc.

Response: Wagon Wheel Road is not on the state highway system. Improvements to it are the responsibility of the City of Springdale.

Comment Number 41: Build the bypass as close to Miller Road as possible to avoid land severance impacts to local landowners to the south.

Response: The alignment was shifted north closer to Miller Road to lessen these impacts. Further consideration to avoidance of impacts will be given during the survey and design process.

Comment Number 42: Leave Graham Road open. The street is too icy in winter to go north to Appleblossom Road.

Response: The current conceptual design for the FEIS Preferred Line does not sever Graham Road. Further consideration to avoid closing Graham Road will be given during the survey and design process.

Comment Number 43: Build a service road from Highway 71B to Wagon Wheel Road.

Response: Comment noted. The construction of frontage roads along the proposed bypass is not included in this environmental study. A commitment to the USFWS in Section 7.2.1 prohibits the FHWA or AHTD from participating in frontage road construction between Highway 112 and I-540 except for special circumstances detailed in the USFWS correspondence earlier in this section.

Comment Number 44: Farm families are not given the consideration that is given families that live in sub-divisions.

Response: For impact assessment, all residences being relocated are assessed equally. Impacts to farms are assessed in a separate category from residences and businesses.

It does not matter whether a family lives on a farm or in a subdivision, families being relocated are eligible for the same residential relocation assistance benefits. A farm displacee is eligible for separate farm relocation assistance and payment benefits, similar to other businesses.

Comment Number 45: A 6-lane is needed on I-540. A recent study sites major improvements are needed to I-540 and all the interchanges in the next 10-20 years. These recommended improvements need to be integrated into this plan now so that the improvements are not necessary down the road.

Response: Comment noted. Improving I-540 is outside the scope of this document.

Comment Number 46: The relocatees in the proximity of the Callahan Mountain area were undercounted during the assessment of Lines 3 and 4.

Response: A conceptual 300-foot right-of-way (ROW) was assumed for the impact assessment of all the alignments. This estimate is an average of the ROW width typically

needed in an area similar in topography to the project area. In some level areas, the ROW required will be narrower, or in areas where cut and fill slopes are needed, the ROW required may be wider. This 300-foot ROW was utilized across the slope of Callahan Mountain, as it was for all other areas potentially impacted by the project alignments, so that a standard assessment criteria was utilized for comparison of the alignments. This area will not be impacted by the Preferred Line.

Comment Number 47: Why did the evaluation of Line 4 concerning the interchange location impacts change between the information given in the DEIS and SDEIS?

Response: Refer to the SDEIS Alternatives Section 2.3.3.2 for information related to changes in the bypass/I-540 interchange designs.

Comment Number 48: I was dismayed at the exclusion of Mount Callahan Acres Subdivision as a subdivision directly impacted by Lines 3 and 4 in the SDEIS. Obviously the impact statement is in error and incomplete concerning the impacts on the residents in this subdivision.

Response: Comment noted. The staff preparing the SDEIS was unaware that the residences on Callahan Mountain were part of a subdivision development.

Comment Number 49: The SDEIS does not include the required eight-hour air analysis, only a one-hour air analysis.

Response: Typically eight-hour concentrations are lower, not higher (only 60-70 percent), than the one-hour concentrations. The one-hour analysis was cited in the Environmental Consequences Section 4.1.2.2 of the SDEIS since the results did not exceed 9 ppm, the more stringent eight-hour criteria.

Comment Number 50: No replacement roads are figured into your studies for Line 5.

Response: Two replacement roads were included in the SDEIS study for Line 5. These roads are planned to reconnect roads severed by the bypass, from Wagon Wheel Road to Zion Road and from Spring Creek Road to Puppy Creek Road.

Comment Number 51: Line 5 is too far north and has a longer distance for the bypass. It needs to be kept on a more direct route.

Response: Line 5 is projected to carry more traffic and remove more traffic from existing Highway 412 than the routes to the south.

Comment Number 52: The sharp curve and I-540 interchange for Line 5 do not appear to be safe.

Response: The design of the bypass will meet federal design and safety criteria. The interchange configuration will be designed according to the traffic volumes predicted moving through the interchange.

Comment Number 53: Our neighborhood (Belmont Subdivision) cannot function as a neighborhood if the planned houses are removed. Therefore, the few houses left would extremely decrease in value.

Response: Information in Table 4-9 of the SDEIS lists Belmont Subdivision as a directly impacted neighborhood. The accompanying text discusses the potential impacts to neighborhoods.

Comment Number 54: Is there any reason not to take the route further north to Lowell?

Response: In the initial stage of the project a corridor was considered in the Lowell area. However, it was discarded before the public involvement stage because of potential impacts to the Cave Springs recharge area and the number of relocatees that would be involved in constructing a bypass in the city of Lowell.

Comment Number 55: I feel the public has not been receiving all the information they need to make a good decision. I have attended all the meetings, but feel I'm in the dark.

Response: Comment noted.

Comment Number 56: I don't think the maps given out at the public meetings show enough detail to know what is being planned.

Response: Comment noted. Large aerial based maps were made available at the public meetings and the local AHTD offices so that the public would be able to review more detailed maps.

Comment Number 57: Line 5 would make it forever impossible to gain access to I-540 at Goad Springs Road, because of its proximity to the I-540 interchange.

Response: There has never been a demonstrated need for access at the Goad Springs Road overpass, and due to its proximity to Highway 264, it is unlikely that access would be granted at this location.

Comment Number 58: Belmont Estates should be totally left as a subdivision or totally removed!

Response: Preliminary design evaluations indicate that the Line 5/I-540 interchange cannot be moved much further south or north, because of its location between and proximity to the Wagon Wheel Road/I-540 and Highway 264/I-540 interchanges. Moving the alignment and interchange to the north would impact additional relocatees along Appleblossom Road and the Burrell Place neighborhoods. If the alignment and interchange were to be moved south, the western side of Belmont could potentially be affected instead of the northern side. Further consideration of changes to avoid and/or minimize impacts to the Belmont Subdivision will be given during the survey and design process. Federal regulations do not allow the purchase of ROW tracts that will not be needed for the construction of the highway facility.

Comment Number 59: Why was the existing Wagon Wheel Road/Highway 264 location not considered as one option?

Response: One of the original corridors under consideration for the project included the Wagon Wheel Road and Highway 264 location. Avoidance of the social, economic, and environmental impacts along these two roads developed into Line 3.

Comment Number 60: Are there any measures taken to control urban sprawl in our community?

Response: Zoning and control of urban sprawl are outside the scope of this document.

Comment Number 61: I saw a list detailing the advantages and disadvantages of each route. Line 2 had no disadvantages, while each other route contained several areas of major concern. It is the shortest, straightest, has the least impact on those concerned within the community and is the second cheapest alternative.

Response: Refer to SDEIS Table 4-25, Segment B-E Comparison. This table lists several disadvantages for Segment B-E of Line 2, including the highest estimated total numbers of relocatees, highest number of noise receptors, direct impacts to four subdivisions and a local school, and the highest potential impacts to water quality.

Comment Number 62: Had you built this bypass through any of the areas four years ago, you would have had your choice of routes. But your lack of decisive action has caused all the residents of northern Springdale, Lowell, Bethel Heights, and all the surrounding communities to question the stability of their homes . . . Due to the lack of action on the part of the state, the residents of this area are being punished for building in the area.

Response: Comment noted. The environmental process being conducted is following the requirements of the National Environmental Policy Act. The planning work on this project began in 1997 with a Major Investment Study and the EIS process began in 1998, seven years ago. Growth in the project area had already begun and rapidly extended into the preliminary corridors originally placed to avoid the development existing at that time.

Comment Number 63: I am wondering how much traffic will decrease on Highway 412 when this bypass opens.

Response: Refer to the FEIS Alternatives Section Figure 2-7 for information related to existing and projected traffic on Highway 412 with Line 5 of the bypass operational.

Comment Number 64: Would it be possible to extend east another $\frac{1}{4}$ to $\frac{1}{2}$ mile before turning south? This would bypass several homes on this end being displaced and also be outside of Springdale City Limits.

Response: Extending the bypass further eastward in this area will impact additional relocatees in the area of Reed Road.

Comment Number 65: The department appears to be unaware of the present location of Living Savior Lutheran Church at Graham and Robins Road. Please do not use Graham Road as the bypass route.

Response: The Preferred Line will not directly impact this church.

Comment Number 66: I believe that if a homeowner is impacted negatively in any fashion, the homeowner should be compensated.

Response: The law requires just compensation when property is taken.

Comment Number 67: Route 5 takes out twice as many businesses as Route 3 or 4. The negative effect on the economy and employment is less going with Route 3 or 4.

Response: The SDEIS Table S-2 Impact Summary estimates business relocations through Segment B-E. These estimates are as follows: Line 5-33 businesses. Line 4- 21 businesses and Line 3-31 businesses. All businesses relocated will be eligible for business relocation assistance.

Comment Number 68: I am elderly, handicapped, and have severe allergies. The proposed change would directly affect my quality of life and I would probably have to move, forced by the noise and air pollution. I am also concerned about transient traffic. Please reconsider this decision.

Response: Comment noted.

Comment Number 69: Line 5 faces certain legal challenges from groups interested in the environment and protection of endangered species. Why open the state to that litigation? It will only delay the project, cause redesign, and increase the cost.

Response: Comment noted.

Comment Number 70: The alignment maps you had on display were incomplete and/or outdated and, therefore, seriously flawed regarding the current existence of Belmont Subdivision. It is our concern that those invited to comment on the 412 bypass would have done so without essential information needed to assess its impact and thus respond accurately and responsibly. For this reason, we believe that any and all comments concerning Route 5 should be considered null and void. Furthermore, we urge you to either repeat the hearings with current and accurate information, or disqualify Route 5 from further consideration.

Response: We disagree that the information provided was incomplete. The aerial photography used for the displays at the SDEIS LPH was the most recent aerial photography available that provided coverage of the entire study area. The locations of all subdivisions potentially impacted by the proposed project were identified on the aerial photography displays.

In the area that would be acquired for the Line 5 ROW, the SDEIS relocation study showed that thirteen Belmont Subdivision homes would require relocation. This study, in which the potentially affected homes and businesses were physically counted, was performed in late December 2003. This information was incorporated into the Segment and Alignment Impact Summaries that were displayed and provided to the public as handouts at the SDEIS LPH. These summaries, and the relocation totals they contain, were used by the public to compare the overall impacts of the alignments.

Comment Number 71: We are requesting the AHTD consider moving Line 5 where it intersects with Wagon Wheel Road, west from 200-300 yards (map attached).

Response: This requested alignment change to the Preferred Line will be evaluated during the survey and design process.

Comment Number 72: We request the AHTD consider moving Line 2, moving further south starting at Highway 112 and end up just south of the current Wagon Wheel Road at I-540. This segment would connect with Line 3 east of I-540 (map attached).

Response: This proposed alignment is within the corridors previously evaluated and appears to constitute a longitudinal encroachment on the Spring Creek floodplain.

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